

111TH CONGRESS
2D SESSION

S. 3026

To provide fiscal discipline through a freeze on spending and budget process reforms.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 2010

Mr. BAYH (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To provide fiscal discipline through a freeze on spending and budget process reforms.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Fiscal Freeze Act of 2010”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—CONGRESSIONAL ACCOUNTABILITY AND LINE-ITEM
VETO ACT OF 2010

Sec. 101. Short title.

Sec. 102. Legislative line-item veto.

- Sec. 103. Technical and conforming amendments.
- Sec. 104. Sense of Congress on abuse of proposed repeals and cancellations.

TITLE II—BUDGET REFORMS

Subtitle A—Earmarks

- Sec. 211. Earmarks prohibited in years in which there is a deficit.

Subtitle B—Deficit Reduction Accounts

- Sec. 221. Establishment of Discretionary Deficit Reduction Account.
- Sec. 222. Establishment of Mandatory Deficit Reduction Account.
- Sec. 223. Conforming amendment.

Subtitle C—Statutory Budget Limits and Enforcement

PART I—SPENDING LIMITS AND DEFICIT CONTROL

- Sec. 231. Discretionary spending limits.
- Sec. 232. Total spending limits.
- Sec. 233. Deficit limits.

PART II—REPORTS AND ORDERS

- Sec. 241. Reports and orders.
- Sec. 242. Spending and deficit limits enforcement.
- Sec. 243. Spending reduction orders.

Subtitle D—Prevention of Government Shutdown

- Sec. 251. Amendment to title 31.

Subtitle E—Joint Budget Resolution

- Sec. 271. Purposes.
- Sec. 272. Timetable.
- Sec. 273. Joint resolution on the budget.
- Sec. 274. Budget required before spending bills may be considered.
- Sec. 275. Amendments to joint resolutions on the budget.

TITLE III—FISCAL DISCIPLINE, EARMARK REFORM, AND ACCOUNTABILITY ACT

- Sec. 301. Short title.
- Sec. 302. Reform of consideration of appropriations bills in the Senate.
- Sec. 303. Lobbying on behalf of recipients of Federal funds.

1 **TITLE I—CONGRESSIONAL AC-**
 2 **COUNTABILITY AND LINE-**
 3 **ITEM VETO ACT OF 2010**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Congressional Ac-
 6 countability and Line-Item Veto Act of 2010”.

7 **SEC. 102. LEGISLATIVE LINE-ITEM VETO.**

8 (a) IN GENERAL.—Title X of the Congressional
 9 Budget and Impoundment Control Act of 1974 (2 U.S.C.
 10 621 et seq.) is amended by striking all of part B (except
 11 for sections 1016 and 1013, which are redesignated as sec-
 12 tions 1019 and 1020, respectively) and part C and insert-
 13 ing the following:

14 “PART B—LEGISLATIVE LINE-ITEM VETO

15 “LINE-ITEM VETO AUTHORITY

16 “SEC. 1011. (a) PROPOSED CANCELLATIONS.—With-
 17 in 30 calendar days after the enactment of any bill or joint
 18 resolution containing any congressional earmark or pro-
 19 viding any limited tariff benefit or targeted tax benefit,
 20 the President may propose, in the manner provided in sub-
 21 section (b), the repeal of the congressional earmark or the
 22 cancellation of any limited tariff benefit or targeted tax
 23 benefit. If the 30 calendar-day period expires during a pe-
 24 riod where either House of Congress stands adjourned sine
 25 die at the end of Congress or for a period greater than

1 30 calendar days, the President may propose a cancella-
 2 tion under this section and transmit a special message
 3 under subsection (b) on the first calendar day of session
 4 following such a period of adjournment.

5 “(b) TRANSMITTAL OF SPECIAL MESSAGE.—

6 “(1) SPECIAL MESSAGE.—

7 “(A) IN GENERAL.—The President may
 8 transmit to the Congress a special message pro-
 9 posing to repeal any congressional earmarks or
 10 to cancel any limited tariff benefits or targeted
 11 tax benefits.

12 “(B) CONTENTS OF SPECIAL MESSAGE.—

13 Each special message shall specify, with respect
 14 to the congressional earmarks, limited tariff
 15 benefits, or targeted tax benefits to be repealed
 16 or canceled—

17 “(i) the congressional earmark that
 18 the President proposes to repeal or the
 19 limited tariff benefit or the targeted tax
 20 benefit that the President proposes be can-
 21 celed;

22 “(ii) the specific project or govern-
 23 mental functions involved;

24 “(iii) the reasons why such congres-
 25 sional earmark should be repealed or such

1 limited tariff benefit or targeted tax ben-
2 efit should be canceled;

3 “(iv) to the maximum extent prac-
4 ticable, the estimated fiscal, economic, and
5 budgetary effect (including the effect on
6 outlays and receipts in each fiscal year) of
7 the proposed repeal or cancellation;

8 “(v) to the maximum extent prac-
9 ticable, all facts, circumstances, and con-
10 siderations relating to or bearing upon the
11 proposed repeal or cancellation and the de-
12 cision to propose the repeal or cancellation,
13 and the estimated effect of the proposed
14 repeal or cancellation upon the objects,
15 purposes, or programs for which the con-
16 gressional earmark, limited tariff benefit,
17 or the targeted tax benefit is provided;

18 “(vi) a numbered list of repeals and
19 cancellations to be included in an approval
20 bill that, if enacted, would repeal congres-
21 sional earmarks and cancel limited tariff
22 benefits or targeted tax benefits proposed
23 in that special message; and

24 “(vii) if the special message is trans-
25 mitted subsequent to or at the same time

1 as another special message, a detailed ex-
2 planation why the proposed repeals or can-
3 cellations are not substantially similar to
4 any other proposed repeal or cancellation
5 in such other message.

6 “(C) DUPLICATIVE PROPOSALS PROHIB-
7 ITED.—The President may not propose to re-
8 peal or cancel the same or substantially similar
9 congressional earmark, limited tariff benefit, or
10 targeted tax benefit more than one time under
11 this part.

12 “(D) MAXIMUM NUMBER OF SPECIAL MES-
13 SAGES.—The President may not transmit to the
14 Congress more than one special message under
15 this subsection related to any bill or joint reso-
16 lution described in subsection (a), but may
17 transmit not more than 2 special messages for
18 any omnibus budget reconciliation or appropria-
19 tion measure.

20 “(2) ENACTMENT OF APPROVAL BILL.—

21 “(A) DEFICIT REDUCTION.—Congressional
22 earmarks, limited tariff benefits, or targeted tax
23 benefits which are repealed or canceled pursu-
24 ant to enactment of a bill as provided under

1 this section shall be dedicated only to reducing
2 the deficit or increasing the surplus.

3 “(B) ADJUSTMENT OF LEVELS IN THE
4 CONCURRENT RESOLUTION ON THE BUDGET.—

5 Not later than 5 days after the date of enact-
6 ment of an approval bill as provided under this
7 section, the chairs of the Committees on the
8 Budget of the Senate and the House of Rep-
9 resentatives shall revise allocations and aggre-
10 gates and other appropriate levels under the ap-
11 propriate concurrent resolution on the budget to
12 reflect the repeal or cancellation, and the appli-
13 cable committees shall report revised suballoca-
14 tions pursuant to section 302(b), as appro-
15 priate.

16 “(C) ADJUSTMENTS TO STATUTORY LIM-
17 ITS.—After enactment of an approval bill as
18 provided under this section, the Office of Man-
19 agement and Budget shall revise applicable lim-
20 its under the Balanced Budget and Emergency
21 Deficit Control Act of 1985, as appropriate.

22 “(D) TRUST FUNDS AND SPECIAL
23 FUNDS.—Notwithstanding subparagraph (A),
24 nothing in this part shall be construed to re-
25 quire or allow the deposit of amounts derived

1 from a trust fund or special fund which are
2 canceled pursuant to enactment of a bill as pro-
3 vided under this section to any other fund.

4 “PROCEDURES FOR EXPEDITED CONSIDERATION

5 “SEC. 1012. (a) EXPEDITED CONSIDERATION.—

6 “(1) IN GENERAL.—The majority leader or mi-
7 nority leader of each House or his designee shall (by
8 request) introduce an approval bill as defined in sec-
9 tion 1017 not later than the third day of session of
10 that House after the date of receipt of a special mes-
11 sage transmitted to the Congress under section
12 1011(b). If the bill is not introduced as provided in
13 the preceding sentence in either House, then, on the
14 fourth day of session of that House after the date
15 of receipt of the special message, any Member of
16 that House may introduce the bill.

17 “(2) CONSIDERATION IN THE HOUSE OF REP-
18 REPRESENTATIVES.—

19 “(A) REFERRAL AND REPORTING.—Any
20 committee of the House of Representatives to
21 which an approval bill is referred shall report it
22 to the House without amendment not later than
23 the seventh legislative day after the date of its
24 introduction. If a committee fails to report the
25 bill within that period or the House has adopt-
26 ed a concurrent resolution providing for ad-

1 journalment sine die at the end of a Congress,
2 such committee shall be automatically dis-
3 charged from further consideration of the bill
4 and it shall be placed on the appropriate cal-
5 endar.

6 “(B) PROCEEDING TO CONSIDERATION.—

7 After an approval bill is reported by or dis-
8 charged from committee or the House has
9 adopted a concurrent resolution providing for
10 adjournment sine die at the end of a Congress,
11 it shall be in order to move to proceed to con-
12 sider the approval bill in the House. Such a mo-
13 tion shall be in order only at a time designated
14 by the Speaker in the legislative schedule within
15 two legislative days after the day on which the
16 proponent announces his intention to offer the
17 motion. Such a motion shall not be in order
18 after the House has disposed of a motion to
19 proceed with respect to that special message.
20 The previous question shall be considered as or-
21 dered on the motion to its adoption without in-
22 tervening motion. A motion to reconsider the
23 vote by which the motion is disposed of shall
24 not be in order.

1 “(C) CONSIDERATION.—The approval bill
2 shall be considered as read. All points of order
3 against an approval bill and against its consid-
4 eration are waived. The previous question shall
5 be considered as ordered on an approval bill to
6 its passage without intervening motion except
7 five hours of debate equally divided and con-
8 trolled by the proponent and an opponent and
9 one motion to limit debate on the bill. A motion
10 to reconsider the vote on passage of the bill
11 shall not be in order.

12 “(D) SENATE BILL.—An approval bill re-
13 ceived from the Senate shall not be referred to
14 committee.

15 “(3) CONSIDERATION IN THE SENATE.—

16 “(A) REFERRAL AND REPORTING.—Any
17 committee of the Senate to which an approval
18 bill is referred shall report it to the Senate
19 without amendment not later than the seventh
20 legislative day after the date of its introduction.
21 If a committee fails to report the bill within
22 that period or the Senate has adopted a concur-
23 rent resolution providing for adjournment sine
24 die at the end of a Congress, such committee
25 shall be automatically discharged from further

1 consideration of the bill and it shall be placed
2 on the appropriate calendar.

3 “(B) MOTION TO PROCEED TO CONSIDER-
4 ATION.—After an approval bill is reported by or
5 discharged from committee or the Senate has
6 adopted a concurrent resolution providing for
7 adjournment sine die at the end of a Congress,
8 it shall be in order to move to proceed to con-
9 sider the approval bill in the Senate. A motion
10 to proceed to the consideration of a bill under
11 this subsection in the Senate shall not be debat-
12 able. It shall not be in order to move to recon-
13 sider the vote by which the motion to proceed
14 is agreed to or disagreed to.

15 “(C) LIMITS ON DEBATE.—Debate in the
16 Senate on a bill under this subsection, and all
17 debatable motions and appeals in connection
18 therewith (including debate pursuant to sub-
19 paragraph (D)), shall not exceed 10 hours,
20 equally divided and controlled in the usual
21 form.

22 “(D) APPEALS.—Debate in the Senate on
23 any debatable motion or appeal in connection
24 with a bill under this subsection shall be limited

1 to not more than 1 hour, to be equally divided
2 and controlled in the usual form.

3 “(E) MOTION TO LIMIT DEBATE.—A mo-
4 tion in the Senate to further limit debate on a
5 bill under this subsection is not debatable.

6 “(F) MOTION TO RECOMMIT.—A motion to
7 recommit a bill under this subsection is not in
8 order.

9 “(G) CONSIDERATION OF THE HOUSE
10 BILL.—

11 “(i) IN GENERAL.—If the Senate has
12 received the House companion bill to the
13 bill introduced in the Senate prior to a
14 vote under subparagraph (C), then the
15 Senate may consider, and the vote under
16 subparagraph (C) may occur on, the House
17 companion bill.

18 “(ii) PROCEDURE AFTER VOTE ON
19 SENATE BILL.—If the Senate votes, pursu-
20 ant to subparagraph (C), on the bill intro-
21 duced in the Senate, then immediately fol-
22 lowing that vote, or upon receipt of the
23 House companion bill, the House bill shall
24 be deemed to be considered, read the third
25 time, and the vote on passage of the Sen-

1 ate bill shall be considered to be the vote
2 on the bill received from the House.

3 “(b) AMENDMENTS PROHIBITED.—No amendment
4 to, or motion to strike a provision from, a bill considered
5 under this section shall be in order in either the Senate
6 or the House of Representatives.

7 “PRESIDENTIAL DEFERRAL AUTHORITY

8 “SEC. 1013. (a) TEMPORARY PRESIDENTIAL AU-
9 THORITY TO WITHHOLD CONGRESSIONAL EARMARKS.—

10 “(1) IN GENERAL.—At the same time as the
11 President transmits to the Congress a special mes-
12 sage pursuant to section 1011(b), the President may
13 direct that any congressional earmark to be repealed
14 in that special message shall not be made available
15 for obligation for a period of 45 calendar days of
16 continuous session of the Congress after the date on
17 which the President transmits the special message to
18 the Congress.

19 “(2) EARLY AVAILABILITY.—The President
20 shall make any congressional earmark deferred pur-
21 suant to paragraph (1) available at a time earlier
22 than the time specified by the President if the Presi-
23 dent determines that continuation of the deferral
24 would not further the purposes of this part.

25 “(b) TEMPORARY PRESIDENTIAL AUTHORITY TO
26 SUSPEND A LIMITED TARIFF BENEFIT.—

1 “(1) IN GENERAL.—At the same time as the
2 President transmits to the Congress a special mes-
3 sage pursuant to section 1011(b), the President may
4 suspend the implementation of any limited tariff
5 benefit proposed to be canceled in that special mes-
6 sage for a period of 45 calendar days of continuous
7 session of the Congress after the date on which the
8 President transmits the special message to the Con-
9 gress.

10 “(2) EARLY AVAILABILITY.—The President
11 shall terminate the suspension of any limited tariff
12 benefit at a time earlier than the time specified by
13 the President if the President determines that con-
14 tinuation of the suspension would not further the
15 purposes of this part.

16 “(c) TEMPORARY PRESIDENTIAL AUTHORITY TO
17 SUSPEND A TARGETED TAX BENEFIT.—

18 “(1) IN GENERAL.—At the same time as the
19 President transmits to the Congress a special mes-
20 sage pursuant to section 1011(b), the President may
21 suspend the implementation of any targeted tax ben-
22 efit proposed to be repealed in that special message
23 for a period of 45 calendar days of continuous ses-
24 sion of the Congress after the date on which the

1 President transmits the special message to the Con-
2 gress.

3 “(2) EARLY AVAILABILITY.—The President
4 shall terminate the suspension of any targeted tax
5 benefit at a time earlier than the time specified by
6 the President if the President determines that con-
7 tinuation of the suspension would not further the
8 purposes of this part.

9 “IDENTIFICATION OF TARGETED TAX BENEFITS

10 “SEC. 1014. (a) STATEMENT.—The chairman of the
11 Committee on Ways and Means of the House of Rep-
12 resentatives and the chairman of the Committee on Fi-
13 nance of the Senate acting jointly (hereafter in this sub-
14 section referred to as the ‘chairmen’) shall review any rev-
15 enue or reconciliation bill or joint resolution which in-
16 cludes any amendment to the Internal Revenue Code of
17 1986 that is being prepared for filing by a committee of
18 conference of the two Houses, and shall identify whether
19 such bill or joint resolution contains any targeted tax ben-
20 efits. The chairmen shall provide to the committee of con-
21 ference a statement identifying any such targeted tax ben-
22 efits or declaring that the bill or joint resolution does not
23 contain any targeted tax benefits. Any such statement
24 shall be made available to any Member of Congress by
25 the chairmen immediately upon request.

26 “(b) STATEMENT INCLUDED IN LEGISLATION.—

1 “(1) IN GENERAL.—Notwithstanding any other
 2 rule of the House of Representatives or any rule or
 3 precedent of the Senate, any revenue or reconcili-
 4 ation bill or joint resolution which includes any
 5 amendment to the Internal Revenue Code of 1986
 6 reported by a committee of conference of the two
 7 Houses may include, as a separate section of such
 8 bill or joint resolution, the information contained in
 9 the statement of the chairmen, but only in the man-
 10 ner set forth in paragraph (2).

11 “(2) APPLICABILITY.—The separate section
 12 permitted under subparagraph (A) shall read as fol-
 13 lows: ‘Section 1021 of the Congressional Budget and
 14 Impoundment Control Act of 1974 shall
 15 _____ apply to _____.’, with
 16 the blank spaces being filled in with—

17 “(A) in any case in which the chairmen
 18 identify targeted tax benefits in the statement
 19 required under subsection (a), the word ‘only’
 20 in the first blank space and a list of all of the
 21 specific provisions of the bill or joint resolution
 22 in the second blank space; or

23 “(B) in any case in which the chairmen de-
 24 clare that there are no targeted tax benefits in
 25 the statement required under subsection (a),

1 the word ‘not’ in the first blank space and the
 2 phrase ‘any provision of this Act’ in the second
 3 blank space.

4 “(c) IDENTIFICATION IN REVENUE ESTIMATE.—
 5 With respect to any revenue or reconciliation bill or joint
 6 resolution with respect to which the chairmen provide a
 7 statement under subsection (a), the Joint Committee on
 8 Taxation shall—

9 “(1) in the case of a statement described in
 10 subsection (b)(2)(A), list the targeted tax benefits in
 11 any revenue estimate prepared by the Joint Com-
 12 mittee on Taxation for any conference report which
 13 accompanies such bill or joint resolution, or

14 “(2) in the case of a statement described in 13
 15 subsection (b)(2)(B), indicate in such revenue esti-
 16 mate that no provision in such bill or joint resolution
 17 has been identified as a targeted tax benefit.

18 “(d) PRESIDENT’S AUTHORITY.—If any revenue or
 19 reconciliation bill or joint resolution is signed into law—

20 “(1) with a separate section described in sub-
 21 section (b)(2), then the President may use the au-
 22 thority granted in this section only with respect to
 23 any targeted tax benefit in that law, if any, identi-
 24 fied in such separate section; or

1 “(2) without a separate section described in
2 subsection (b)(2), then the President may use the
3 authority granted in this section with respect to any
4 targeted tax benefit in that law.

5 “TREATMENT OF CANCELLATIONS

6 “SEC. 1015. The repeal of any congressional earmark
7 or cancellation of any limited tariff benefit or targeted tax
8 benefit shall take effect only upon enactment of the appli-
9 cable approval bill. If an approval bill is not enacted into
10 law before the end of the applicable period under section
11 1013, then all proposed repeals and cancellations con-
12 tained in that bill shall be null and void and any such
13 congressional earmark, limited tariff benefit, or targeted
14 tax benefit shall be effective as of the original date pro-
15 vided in the law to which the proposed repeals or cancella-
16 tions applied.

17 “REPORTS BY COMPTROLLER GENERAL

18 “SEC. 1016. With respect to each special message
19 under this part, the Comptroller General shall issue to the
20 Congress a report determining whether any congressional
21 earmark is not repealed or limited tariff benefit or tar-
22 geted tax benefit continues to be suspended after the de-
23 ferral authority set forth in section 1013 of the President
24 has expired.

25 “DEFINITIONS

26 “SEC. 1017. As used in this part:

1 “(1) APPROPRIATION LAW.—The term ‘appro-
 2 piation law’ means an Act referred to in section
 3 105 of title 1, United States Code, including any
 4 general or special appropriation Act, or any Act
 5 making supplemental, deficiency, or continuing ap-
 6 propriations, that has been signed into law pursuant
 7 to Article I, section 7, of the Constitution of the
 8 United States.

9 “(2) APPROVAL BILL.—The term ‘approval bill’
 10 means a bill or joint resolution which only approves
 11 proposed repeals of congressional earmarks or can-
 12 cellations of limited tariff benefits or targeted tax
 13 benefits in a special message transmitted by the
 14 President under this part and—

15 “(A) the title of which is as follows: ‘A bill
 16 approving the proposed repeals and cancella-
 17 tions transmitted by the President on _____’,
 18 the blank space being filled in with the date of
 19 transmission of the relevant special message
 20 and the public law number to which the mes-
 21 sage relates;

22 “(B) which does not have a preamble;

23 “(C) which provides only the following
 24 after the enacting clause: ‘That the Congress
 25 approves of proposed repeals and cancellations

_____, the blank space being filled in with a list of the repeals and cancellations contained in the President’s special message, ‘as transmitted by the President in a special message on _____’, the blank space being filled in with the appropriate date, ‘regarding _____.’, the blank space being filled in with the public law number to which the special message relates;

“(D) which only includes proposed repeals and cancellations that are estimated by CBO to meet the definition of congressional earmark or limited tariff benefits, or that are identified as targeted tax benefits pursuant to section 1014; and

“(E) if no CBO estimate is available, then the entire list of legislative provisions proposed by the President is inserted in the second blank space in subparagraph (C).

“(3) CALENDAR DAY.—The term ‘calendar day’ means a standard 24-hour period beginning at midnight.

“(4) CANCEL OR CANCELLATION.—The terms ‘cancel’ or ‘cancellation’ means to prevent—

“(A) a limited tariff benefit from having legal force or effect, and to make any necessary,

1 conforming statutory change to ensure that
2 such limited tariff benefit is not implemented;
3 or

4 “(B) a targeted tax benefit from having
5 legal force or effect, and to make any necessary,
6 conforming statutory change to ensure that
7 such targeted tax benefit is not implemented
8 and that any budgetary resources are appro-
9 priately canceled.

10 “(5) CBO.—The term ‘CBO’ means the Direc-
11 tor of the Congressional Budget Office.

12 “(6) CONGRESSIONAL EARMARK.—The term
13 ‘congressional earmark’ means a provision or report
14 language included primarily at the request of a
15 Member, Delegate, Resident Commissioner, or Sen-
16 ator providing, authorizing or recommending a spe-
17 cific amount of discretionary budget authority, credit
18 authority, or other spending authority for a contract,
19 loan, loan guarantee, grant, loan authority, or other
20 expenditure with or to an entity, or targeted to a
21 specific State, locality or Congressional district,
22 other than through a statutory or administrative for-
23 mula-driven or competitive award process.

1 “(7) ENTITY.—As used in paragraph (6), the
2 term ‘entity’ includes a private business, State, terri-
3 tory or locality, or Federal entity.

4 “(8) LIMITED TARIFF BENEFIT.—The term
5 ‘limited tariff benefit’ means any provision of law
6 that modifies the Harmonized Tariff Schedule of the
7 United States in a manner that benefits 10 or fewer
8 entities (as defined in paragraph (12)(B)).

9 “(9) OMB.—The term ‘OMB’ means the Direc-
10 tor of the Office of Management and Budget.

11 “(10) OMNIBUS RECONCILIATION OR APPRO-
12 PRIATION MEASURE.—The term ‘omnibus reconcili-
13 ation or appropriation measure’ means—

14 “(A) in the case of a reconciliation bill, any
15 such bill that is reported to its House by the
16 Committee on the Budget; or

17 “(B) in the case of an appropriation meas-
18 ure, any such measure that provides appropria-
19 tions for programs, projects, or activities falling
20 within 2 or more section 302(b) suballocations.

21 “(11) TARGETED TAX BENEFIT.—The term
22 ‘targeted tax benefit’ means—

23 “(A) any revenue provision that—

24 “(i) provides a Federal tax deduction,
25 credit, exclusion, or preference to a par-

1 particular beneficiary or limited group of
 2 beneficiaries under the Internal Revenue
 3 Code of 1986; and

4 “(ii) contains eligibility criteria that
 5 are not uniform in application with respect
 6 to potential beneficiaries of such provision;
 7 or

8 “(B) any Federal tax provision which pro-
 9 vides one beneficiary temporary or permanent
 10 transition relief from a change to the Internal
 11 Revenue Code of 1986.

12 “EXPIRATION

13 “SEC. 1018. This title shall have no force or effect
 14 on or after December 31, 2014.”.

15 **SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS.**

16 (a) EXERCISE OF RULEMAKING POWERS.—Section
 17 904 of the Congressional Budget Act of 1974 (2 U.S.C.
 18 621 note) is amended—

19 (1) in subsection (a), by striking “1017” and
 20 inserting “1012”; and

21 (2) in subsection (d), by striking “section
 22 1017” and inserting “section 1012”.

23 (b) ANALYSIS BY CONGRESSIONAL BUDGET OF-
 24 FICE.—Section 402 of the Congressional Budget Act of
 25 1974 is amended by inserting “(a)” after “402.” and by
 26 adding at the end the following new subsection:

1 “(b) Upon the receipt of a special message under sec-
 2 tion 1011 proposing to repeal any congressional earmark,
 3 the Director of the Congressional Budget Office shall pre-
 4 pare an estimate of the savings in budget authority or out-
 5 lays resulting from such proposed repeal relative to the
 6 most recent levels calculated consistent with the method-
 7 ology used to calculate a baseline under section 257 of
 8 the Balanced Budget and Emergency Deficit Control Act
 9 of 1985 and included with a budget submission under sec-
 10 tion 1105(a) of title 31, United States Code, and transmit
 11 such estimate to the chairmen of the Committees on the
 12 Budget of the House of Representatives and Senate.”.

13 (c) CLERICAL AMENDMENTS.—(1) Section 1(a) of
 14 the Congressional Budget and Impoundment Control Act
 15 of 1974 is amended by striking the last sentence.

16 (2) Section 1022(c) of such Act (as redesignated) is
 17 amended is amended by striking “rescinded or that is to
 18 be reserved” and insert “canceled” and by striking
 19 “1012” and inserting “1011”.

20 (3) TABLE OF CONTENTS.—The table of contents set
 21 forth in section 1(b) of the Congressional Budget and Im-
 22 poundment Control Act of 1974 is amended by deleting
 23 the contents for parts B and C of title X and inserting
 24 the following:

“PART B—LEGISLATIVE LINE-ITEM VETO

“Sec. 1011. Line-item veto authority.

“Sec. 1012. Procedures for expedited consideration.
 “Sec. 1013. Presidential deferral authority.
 “Sec. 1014. Identification of targeted tax benefits.
 “Sec. 1015. Treatment of cancellations.
 “Sec. 1016. Reports by Comptroller General.
 “Sec. 1017. Definitions.
 “Sec. 1018. Expiration.
 “Sec. 1019. Suits by Comptroller General.
 “Sec. 1020. Proposed Deferrals of budget authority.”.

1 (d) **EFFECTIVE DATE.**—The amendments made by
 2 this title shall take effect on the date of its enactment
 3 and apply only to any congressional earmark, limited tariff
 4 benefit, or targeted tax benefit provided in an title enacted
 5 on or after the date of enactment of this title.

6 **SEC. 104. SENSE OF CONGRESS ON ABUSE OF PROPOSED**
 7 **REPEALS AND CANCELLATIONS.**

8 It is the sense of Congress no President or any execu-
 9 tive branch official should condition the inclusion or exclu-
 10 sion or threaten to condition the inclusion or exclusion of
 11 any proposed repeal or cancellation in any special message
 12 under this section upon any vote cast or to be cast by
 13 any Member of either House of Congress.

14 **TITLE II—BUDGET REFORMS**
 15 **Subtitle A—Earmarks**

16 **SEC. 211. EARMARKS PROHIBITED IN YEARS IN WHICH**
 17 **THERE IS A DEFICIT.**

18 (a) **IN GENERAL.**—It shall not be in order in the Sen-
 19 ate or the House of Representatives to consider a bill, joint
 20 resolution, or conference report containing a congressional
 21 earmark or an earmark attributable to the President for

1 any fiscal year in which there is or will be a deficit as
2 determined by CBO.

3 (b) CONGRESSIONAL EARMARK.—In this section, the
4 term “congressional earmark” means the following:

5 (1) A congressionally directed spending item, as
6 defined in Rule XLIV of the Standing Rules of the
7 Senate.

8 (2) A congressional earmark for purposes of
9 Rule XXI of the House of Representatives.

10 (c) WAIVER AND APPEAL.—

11 (1) WAIVER.—This section may be waived or
12 suspended in the Senate only by the affirmative vote
13 of three-fifths of the Members, duly chosen and
14 sworn.

15 (2) APPEALS.—Appeals in the Senate from the
16 decisions of the Chair relating to any provision of
17 this section shall be limited to 1 hour, to be equally
18 divided between, and controlled by, the appellant
19 and the manager of the bill or joint resolution, as
20 the case may be. An affirmative vote of three-fifths
21 of the Members of the Senate, duly chosen and
22 sworn, shall be required to sustain an appeal of the
23 ruling of the Chair on a point of order raised under
24 this section.

**Subtitle B—Deficit Reduction
Accounts**

**SEC. 221. ESTABLISHMENT OF DISCRETIONARY DEFICIT
REDUCTION ACCOUNT.**

(a) DISCRETIONARY DEFICIT REDUCTION ACCOUNT.—Title III of the Congressional Budget Act of 1974 (as amended by section 605) is further amended by adding at the end the following new section:

“DISCRETIONARY DEFICIT REDUCTION ACCOUNT

“SEC. 316. (a) ESTABLISHMENT OF ACCOUNT.—The chairman of the Committee on the Budget of the House of Representatives and of the Senate shall each maintain an account to be known as the ‘deficit reduction Discretionary Account’. The Account shall be divided into entries corresponding to the subcommittees of the Committee on Appropriations of that House and each entry shall consist of the ‘deficit reduction Balance’.

“(b) COMPONENTS.—Each entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

“(c) CREDITING OF AMOUNTS TO ACCOUNT.—

“(1) Whenever a Member or Senator, as the case may be, offers an amendment to an appropriation bill to reduce new budget authority in any ac-

1 count, that Member or Senator may state the por-
2 tion of such reduction that shall be credited to—

3 “(A) the deficit reduction Balance;

4 “(B) used to offset an increase in new
5 budget authority in any other account; or

6 “(C) allowed to remain within the applica-
7 ble section 302(b) suballocation.

8 “(2) If no such statement is made, the amount
9 of reduction in new budget authority resulting from
10 the amendment shall be credited to the deficit reduc-
11 tion Balance, as applicable, if the amendment is
12 agreed to.

13 “(3) Except as provided by paragraph (4), the
14 chairman of the Committee on the Budget of the
15 House of Representatives or Senate, as applicable,
16 shall, upon the engrossment of any appropriation bill
17 by the House of Representatives or Senate, as appli-
18 cable, credit to the applicable entry balances
19 amounts of new budget authority and outlays equal
20 to the net amounts of reductions in budget authority
21 and in outlays resulting from amendments agreed to
22 by that House to that bill.

23 “(4) When computing the net amounts of re-
24 ductions in new budget authority and in outlays re-
25 sulting from amendments agreed to by the House of

1 Representatives or Senate, as applicable, to an ap-
 2 propriation bill, the chairman of the Committee on
 3 the Budget of that House shall only count those por-
 4 tions of such amendments agreed to that were so
 5 designated by the Members offering such amend-
 6 ments as amounts to be credited to the deficit reduc-
 7 tion Balance, or that fall within the last sentence of
 8 paragraph (1).

9 “(5) The chairman of the Committee on the
 10 Budget of the House of Representatives and of the
 11 Senate shall each maintain a running tally of the
 12 amendments adopted reflecting increases and de-
 13 creases of budget authority in the bill as reported to
 14 its House. This tally shall be available to Members
 15 or Senators during consideration of any bill by that
 16 House.

17 “(d) CALCULATION OF SAVINGS IN DEFICIT REDUC-
 18 TION ACCOUNTS IN THE HOUSE OF REPRESENTATIVES
 19 AND SENATE.—

20 “(1) For the purposes of enforcing section 302(a),
 21 upon the engrossment of any appropriation bill by the
 22 House of Representatives or Senate, as applicable, the
 23 amount of budget authority and outlays calculated pursu-
 24 ant to subsection (c)(3) shall be counted against the
 25 302(a) allocation provided to the Committee on Appro-

1 priations as if the amount calculated pursuant to sub-
 2 section (c)(3) was included in the bill just engrossed.

3 “(2) For purposes of enforcing section 302(b), upon
 4 the engrossment of any appropriation bill by the House
 5 of Representatives or Senate, as applicable, the 302(b) al-
 6 location provided to the subcommittee for the bill just en-
 7 grossed shall be deemed to have been reduced by the
 8 amount of budget authority and outlays calculated, pursu-
 9 ant to subsection (c)(3).

10 “(e) DEFINITION.—As used in this section, the term
 11 ‘appropriation bill’ means any general or special appro-
 12 priation bill, and any bill or joint resolution making sup-
 13 plemental, deficiency, or continuing appropriations
 14 through the end of fiscal year 2010 or any subsequent fis-
 15 cal year, as the case may be.”.

16 **SEC. 222. ESTABLISHMENT OF MANDATORY DEFICIT RE-**
 17 **DUCTION ACCOUNT.**

18 Title III of the Congressional Budget Act of 1974
 19 (as amended by section 606) is further amended by adding
 20 at the end the following new section:

21 “MANDATORY DEFICIT REDUCTION ACCOUNT

22 “SEC. 317. (a) ESTABLISHMENT OF ACCOUNT.—The
 23 chairman of the Committee on the Budget of the House
 24 of Representatives and of the Senate shall each maintain
 25 an account to be known as the ‘deficit reduction Manda-
 26 tory Account’. The Account shall be divided into entries

1 corresponding to the House of Representatives or Senate
 2 committees, as applicable, that received allocations under
 3 section 302(a) in the most recently adopted joint resolu-
 4 tion on the budget, except that it shall not include the
 5 Committee on Appropriations of that House and each
 6 entry shall consist of the ‘First Year deficit reduction Ac-
 7 count’ and the ‘Five Year deficit reduction Account’ or
 8 the period covered by the resolution on the budget for that
 9 fiscal year, as applicable.

10 “(b) COMPONENTS.—Each entry shall consist only of
 11 amounts credited to it under subsection (c). No entry of
 12 a negative amount shall be made.

13 “(c) CALCULATION OF ACCOUNT SAVINGS IN HOUSE
 14 AND SENATE.—For the purposes of enforcing section
 15 302(a), upon the engrossment of any bill, other than an
 16 appropriation bill, by the House of Representatives or
 17 Senate, as applicable, the amount of budget authority and
 18 outlays calculated pursuant to subsection (c)(3) shall be
 19 counted against the 302(a) allocation provided to the ap-
 20 plicable committee or committees of that House which re-
 21 ported the bill as if the amount calculated pursuant to
 22 subsection (c)(3) was included in the bill just engrossed.

23 “(d) CREDITING OF AMOUNTS TO ACCOUNT.—

24 “(1) Whenever a Member or Senator, as the
 25 case may be, offers an amendment to a bill that re-

1 duces the amount of mandatory budget authority
2 provided either under current law or proposed to be
3 provided by the bill under consideration, that Mem-
4 ber or Senator may state the portion of such reduc-
5 tion achieved in the first year covered by the most
6 recently adopted joint resolution on the budget and
7 in addition the portion of such reduction achieved in
8 the first five years covered by the most recently
9 adopted joint resolution on the budget that shall be
10 credited to the First Year deficit reduction Balance
11 and the Five Year deficit reduction Balance, as ap-
12 plicable, if the amendment is agreed to.

13 “(2) Except as provided by paragraph (3), the
14 chairman of the Committee on the Budget of the
15 House of Representatives or Senate, as applicable,
16 shall, upon the engrossment of any bill, other than
17 an appropriation bill, by the House of Representa-
18 tives or Senate, as applicable, credit to the applica-
19 ble entry balances amounts of new budget authority
20 and outlays equal to the net amounts of reductions
21 in budget authority and in outlays resulting from
22 amendments agreed to by that House to that bill.

23 “(3) When computing the net amounts of re-
24 ductions in budget authority and in outlays resulting
25 from amendments agreed to by the House of Rep-

1 representatives or Senate, as applicable, to a bill, the
2 chairman of the Committee on the Budget of that
3 House shall only count those portions of such
4 amendments agreed to that were so designated by
5 the Members or Senators offering such amendments
6 as amounts to be credited to the First Year deficit
7 reduction Balance and the Five Year deficit reduc-
8 tion Balance, or that fall within the last sentence of
9 paragraph (1).

10 “(4) The chairman of the Committee on the
11 Budget of the House of Representatives and of the
12 Senate shall each maintain a running tally of the
13 amendments adopted reflecting increases and de-
14 creases of budget authority in the bill as reported to
15 its House. This tally shall be available to Members
16 or Senators during consideration of any bill by that
17 House.

18 “(e) DEFINITION.—As used in this section, the term
19 ‘appropriation bill’ means any general or special appro-
20 priation bill, and any bill or joint resolution making sup-
21 plemental, deficiency, or continuing appropriations
22 through the end of fiscal year 2009 or any subsequent fis-
23 cal year, as the case may be.”.

1 **SEC. 223. CONFORMING AMENDMENT.**

2 The table of contents set forth in section 1(b) of the
3 Congressional Budget and Impoundment Control Act of
4 1974 is amended by inserting after the item relating to
5 section 315 the following new items:

“Sec. 316. Discretionary deficit reduction account.

“Sec. 317. Mandatory deficit reduction account.”.

6 **Subtitle C—Statutory Budget**
7 **Limits and Enforcement**

8 **PART I—SPENDING LIMITS AND DEFICIT**
9 **CONTROL**

10 **SEC. 231. DISCRETIONARY SPENDING LIMITS.**

11 (a) DISCRETIONARY SPENDING LIMITS.—Section
12 251 of the Balanced Budget and Emergency Deficit Con-
13 trol of Act of 1985 is amended to read as follows:

14 “(a) DISCRETIONARY SPENDING LIMITS.—The total
15 level of discretionary spending for all non-security discre-
16 tionary spending programs, projects, and activities means,
17 in any fiscal year in which there is a deficit through fiscal
18 year 2020, an amount of discretionary spending outlays
19 not exceeding the discretionary spending outlays for the
20 preceding fiscal year as adjusted for inflation.

21 “(b) SEQUENCE OF SEQUESTRATION REPORTS.—
22 Within 15 calendar days after Congress adjourns to end
23 a session and on the same day as a spending reduction
24 ordered under sections 252A and 253, but prior to any

1 spending reduction required by sections 252A and 253,
 2 OMB shall issue a final spending reduction report to re-
 3 duce an excess spending amount.

4 “(c) SPENDING REDUCTION ORDER.—A spending re-
 5 duction ordered pursuant to subsection (b) shall be imple-
 6 mented using the procedures set forth in section 256.”.

7 (b) CONFORMING AMENDMENT.—The item relating
 8 to section 251 in the table of contents set forth in 250(c)
 9 of the Balanced Budget and Emergency Deficit Control
 10 Act of 1985 is amended to read as follows:

“Sec. 251. Discretionary spending limits.”.

11 **SEC. 232. TOTAL SPENDING LIMITS.**

12 (a) TOTAL SPENDING LIMITS.—After section 252 of
 13 the Balanced Budget and Emergency Deficit Control Act
 14 of 1985, add the following new section:

15 **“SEC. 252A. TOTAL SPENDING LIMITS.**

16 “(a) PROJECTIONS.—

17 “(1) SPENDING PROJECTIONS.—For the cur-
 18 rent fiscal year and each subsequent ten fiscal years:

19 “(A) OMB shall prepare a report com-
 20 paring projected total spending under section
 21 257 and the total spending limits in subsection
 22 (d), and include such report in the budget as
 23 submitted by the President annually under sec-
 24 tion 1105(a) of title 31, United States Code.

1 “(B) CBO shall prepare a report com-
 2 paring projected total spending under section
 3 257 and the total spending limits in subsection
 4 (d) and include such report in the CBO annual
 5 baseline and reestimate of the President’s budg-
 6 et.

7 “(2) INCLUSION IN SPENDING REDUCTION OR-
 8 DERS.—Reports prepared pursuant to subsection (a)
 9 shall be included in the spending reduction report
 10 set forth in subsection (b).

11 “(b) SPENDING REDUCTION REPORT.—Within 15
 12 calendar days after Congress adjourns to end a session
 13 and on the same day as a spending reduction ordered
 14 under sections 251, 252A, and 253, but after any spend-
 15 ing reduction required by sections 251 and 252A, but be-
 16 fore section 253, OMB shall issue a spending reduction
 17 report to reduce an excess spending amount (if any re-
 18 mains).

19 “(c) SPENDING REDUCTION ORDER.—A spending re-
 20 duction ordered pursuant to subsection (b) shall be imple-
 21 mented using the procedures set forth in section 256.

22 “(d) TOTAL SPENDING LIMITS.—

23 “(1) fiscal year 2010: 25 percent;

24 “(2) fiscal year 2011: 24 percent;

25 “(3) fiscal year 2012: 22 percent;

1 “(4) fiscal year 2013: 22 percent;
 2 “(5) fiscal year 2014: 22 percent;
 3 “(6) fiscal year 2015: 21 percent;
 4 “(7) fiscal year 2016: 21 percent;
 5 “(8) fiscal year 2017: 20 percent;
 6 “(9) fiscal year 2018: 20 percent;
 7 “(10) fiscal year 2019: 19 percent; and
 8 “(11) fiscal year 2020 and each year thereafter:
 9 18 percent;

10 of the projected GDP for the budget year.

11 “(e) TEMPORARY ADJUSTMENT AUTHORITY.—OMB
 12 shall make adjustments to the total spending limits set
 13 forth in subsection (d)(6) and the years thereafter equal
 14 to the percentage level of—

15 “(1) the average per capita benefit for OASDI
 16 and Medicare eligible retirees born during the period
 17 of fiscal years 1946 through 1964 receiving benefits
 18 under the OASDI and Medicare programs in fiscal
 19 year 2014;

20 “(2) multiplied by the increase in the number
 21 of such beneficiaries in the applicable fiscal year
 22 from the number of such beneficiaries in fiscal year
 23 2014;

24 “(3) adjusted for—

1 “(A) the blend of the Consumer Price
2 Index and the Medical Economic Index for
3 Medicare programs; and

4 “(B) the Consumer Price Index for OASDI
5 programs; and

6 “(4) as a percentage of the gross domestic
7 product of the applicable fiscal year.

8 OMB may modify the adjustments required by this sub-
9 section in order that the spending limits accommodate the
10 OASDI and Medicare benefits of individuals who were
11 born during the period of fiscal years 1946 through 1964.

12 “(f) ADDITIONAL TEMPORARY ADJUSTMENT AU-
13 THORITY.—OMB shall make further adjustments to the
14 total spending limits for any fiscal year set forth in sub-
15 section (d) to ensure that any individual who is at least
16 55 years of age on January 1 of the calendar year in which
17 this subsection is enacted shall receive full benefits under
18 the OASDI and Medicare programs.”.

19 (b) DEFINITIONS.—Section 3 of such Act (2 U.S.C.
20 622) is further amended by adding at the end the fol-
21 lowing new paragraph:

22 “(14) The term ‘total spending’ means all out-
23 lays of the Federal Government including those from
24 off-budget entities and budget authority and outlays

1 flowing therefrom, as applicable, designated as emer-
2 gencies.”.

3 (c) CONFORMING AMENDMENT.—The table of con-
4 tents set forth in 250(c) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985 is amended by in-
6 serting after the item relating to section 252A the fol-
7 lowing new item:

 “Sec. 252A. Total spending limits.”.

8 **SEC. 233. DEFICIT LIMITS.**

9 (a) Amend section 253 of the Balanced Budget and
10 Emergency Deficit Control Act of 1985 to read as follows:

11 **“SEC. 253. DEFICIT LIMITS.**

12 “(a) DEFICIT PROJECTIONS.—

13 “(1) DEFICIT AMOUNTS.—For the current fis-
14 cal year and each subsequent ten fiscal years:

15 “(A) OMB shall prepare a report com-
16 paring projected total deficits and the Deficit
17 Limits in subsection (d), and include such re-
18 port in the budget as submitted by the Presi-
19 dent annually under section 1105(a) of title 31,
20 United States Code.

21 “(B) CBO shall prepare a report com-
22 paring projected deficits amounts and the Def-
23 icit Limits in subsection (d) and include such
24 report in the CBO annual baseline and reesti-
25 mate of the President’s budget.

1 “(2) INCLUSION IN SPENDING REDUCTION OR-
 2 DERS.—Reports prepared pursuant to subsection (a)
 3 shall be included in the spending reduction report
 4 set forth in subsection (c).

5 “(b) DEFICIT REDUCTION REPORT.—Within 15 cal-
 6 endar days after Congress adjourns to end a session and
 7 on the same day as a spending reduction ordered under
 8 sections 251 and 252A, but after any spending reduction
 9 required by section 251, OMB shall issue a spending re-
 10 duction report to reduce an excess spending amount (if
 11 any remains).

12 “(c) DEFICIT REDUCTION ORDER.—A spending re-
 13 duction ordered pursuant to subsection (b) shall be imple-
 14 mented using the procedures set forth in section 256.

15 “(d) DEFICIT LIMITS.—In this section, the term
 16 ‘Deficit Limit’ means an amount that equals with respect
 17 to—

18 “(1) fiscal year 2011: 6.9 percent;

19 “(2) fiscal year 2012: 4.8 percent;

20 “(3) fiscal year 2013: 4.5 percent;

21 “(4) fiscal year 2014: 3.8 percent;

22 “(5) fiscal year 2015: 3.0 percent;

23 “(6) fiscal year 2016: 2.7 percent;

24 “(7) fiscal year 2017: 2.3 percent;

25 “(8) fiscal year 2018: 2.0 percent;

1 “(9) fiscal year 2019: 1.3 percent; and
 2 “(10) fiscal year 2020 and each fiscal year
 3 thereafter 0.0 percent;
 4 of the projected GDP for the budget year.”.

5 (b) CONFORMING AMENDMENT.—The item relating
 6 to section 253 in the table of contents set forth in section
 7 250(c) of the Balanced Budget and Emergency Deficit
 8 Control Act of 1985 is amended to read as follows:

“Sec. 253. Deficit limits.”.

9 **PART II—REPORTS AND ORDERS**

10 **SEC. 241. REPORTS AND ORDERS.**

11 Section 254 of the Balanced Budget and Emergency
 12 Deficit Control Act of 1985 is amended to read as follows:

13 **“SEC. 254. REPORTS AND ORDERS.**

14 “(a) TIMETABLE.—

“Date:	Action to be completed:
5 days before the President’s budget submission.	CBO sequestration preview report.
President’s budget submission ..	OMB sequestration preview report.
August 10	CBO sequestration update report.
August 20	OMB sequestration update report.
10 days after end of session	CBO sequestration final report.
15 days after end of session	OMB sequestration final report; Presidential order.

15 “(b) SUBMISSION AND AVAILABILITY OF REPORTS.—
 16 Each report required by this section shall be submitted
 17 to the Budget Committees of the House of Representatives
 18 and the Senate. On the following day a notice of the report
 19 shall be printed in the Federal Register.

20 “(c) SEQUESTRATION PREVIEW REPORTS.—

1 “(1) REPORTING REQUIREMENT.—On the dates
 2 specified in subsection (a), OMB and CBO shall
 3 issue a preview report regarding discretionary, pay-
 4 as-you-go, and deficit sequestration based on laws
 5 enacted through those dates.

6 “(2) DISCRETIONARY SPENDING LIMIT SEQUES-
 7 TRATION REPORT.—The preview reports shall set
 8 forth estimates for the current year and each subse-
 9 quent year through 2019 of the applicable discre-
 10 tionary spending limits and an explanation of any
 11 adjustments in such limits under section 251.

12 “(3) TOTAL SPENDING LIMIT SEQUESTRATION
 13 REPORT.—The preview reports shall set forth for the
 14 budget year estimates for each of the following:

15 “(A) The total spending limit and the esti-
 16 mated total spending amount calculated under
 17 section 252A, and the excess deficit.

18 “(B) The amount of reductions required
 19 under sections 251 and 252A, the excess total
 20 spending amount remaining after those reduc-
 21 tions have been made.

22 “(C) The sequestration percentage nec-
 23 essary to achieve the required reduction in any
 24 fiscal year for which a Deficit Limit is set forth
 25 pursuant to this Act.

1 “(4) DEFICIT LIMIT SEQUESTRATION RE-
 2 PORT.—The preview reports shall set forth for the
 3 budget year estimates for each of the following:

4 “(A) The maximum deficit amount, the es-
 5 timated deficit calculated under section 253(b),
 6 the excess deficit;

7 “(B) The amount of reductions required
 8 under sections 251 and 252A, the excess deficit
 9 remaining after those reductions have been
 10 made; and

11 “(C) The sequestration percentage nec-
 12 essary to achieve the required reduction in any
 13 fiscal year for which a Deficit Limit is set forth
 14 pursuant to this Act.

15 “(5) EXPLANATION OF DIFFERENCES.—The
 16 OMB reports shall explain the differences between
 17 OMB and CBO estimates for each item set forth in
 18 this subsection.

19 “(d) SEQUESTRATION UPDATE REPORTS.—On the
 20 dates specified in subsection (a), OMB and CBO shall
 21 issue a sequestration update report, reflecting laws en-
 22 acted through those dates, containing all of the informa-
 23 tion required in the sequestration preview reports.

24 “(e) FINAL SEQUESTRATION REPORTS.—

1 “(1) REPORTING REQUIREMENT.—On the dates
2 specified in subsection (a), OMB and CBO shall
3 issue a final sequestration report, updated to reflect
4 laws enacted through those dates.

5 “(2) DISCRETIONARY SPENDING SEQUESTRA-
6 TION REPORTS.—The final reports shall set forth es-
7 timates for each of the following:

8 “(A) For the current year and each subse-
9 quent year the applicable discretionary spending
10 limits for each category and an explanation of
11 any adjustments in such limits under section
12 251.

13 “(B) For the current year and the budget
14 year the estimated new budget authority and
15 outlays for each category and the breach, if
16 any, in each category.

17 “(C) For each category for which a seques-
18 tration is required, the sequestration percent-
19 ages necessary to achieve the required reduc-
20 tion.

21 “(D) For the budget year, for each ac-
22 count to be sequestered, estimates of the base-
23 line level of budgetary resources subject to se-
24 questration and resulting outlays and the

1 amount of budgetary resources to be seques-
2 tered and resulting outlay reductions.

3 “(3) TOTAL SPENDING AND DEFICIT LIMIT SE-
4 QUESTRATION REPORTS.—The final reports shall
5 contain all the information required in the total
6 spending and deficit limit sequestration preview re-
7 ports. In addition, these reports shall contain, for
8 the budget year, for each account to be sequestered,
9 estimates of the baseline level of sequesterable budg-
10 etary resources and resulting outlays and the
11 amount of budgetary resources to be sequestered
12 and resulting outlay reductions. The reports shall
13 also contain estimates of the effects on outlays of
14 the sequestration in each outyear for direct spending
15 programs.

16 “(4) EXPLANATION OF DIFFERENCES.—The
17 OMB report shall explain any differences between
18 OMB and CBO estimates of any excess deficit, any
19 breach, and any required sequestration percentage.
20 The OMB report shall also explain differences in the
21 amount of sequesterable resources for any budget
22 account to be reduced if such difference is greater
23 than \$5,000,000.

24 “(5) PRESIDENTIAL ORDER.—On the date spec-
25 ified in subsection (a), if in its final sequestration

1 report OMB estimates that any sequestration is re-
2 quired, the President shall issue an order fully im-
3 plementing without change all sequestrations re-
4 quired by the OMB calculations set forth in that re-
5 port. This order shall be effective on issuance.

6 “(f) WITHIN-SESSION SEQUESTRATION REPORTS.—
7 If an appropriation for a fiscal year in progress is enacted
8 (after Congress adjourns to end the session for that budg-
9 et year and before July 1 of that fiscal year) that causes
10 a breach, 10 days later CBO shall issue a report con-
11 taining the information required in subsection (e)(2). Fif-
12 teen days after enactment, OMB shall issue a report con-
13 taining the information required in subsections (e)(2) and
14 (e)(4). On the same day as the OMB report, the President
15 shall issue an order fully implementing without change all
16 sequestrations required by the OMB calculations set forth
17 in that report. This order shall be effective on issuance.

18 “(g) GAO COMPLIANCE REPORT.—Upon request of
19 the Committee on the Budget of the House of Representa-
20 tives or the Senate, the Comptroller General shall submit
21 to the Congress and the President a report on—

22 “(1) the extent to which each order issued by
23 the President under this section complies with all of
24 the requirements contained in this part, either certi-
25 fying that the order fully and accurately complies

1 with such requirements or indicating the respects in
 2 which it does not; and

3 “(2) the extent to which each report issued by
 4 OMB or CBO under this section complies with all of
 5 the requirements contained in this part, either certi-
 6 fying that the report fully and accurately complies
 7 with such requirements or indicating the respects in
 8 which it does not.

9 “(h) LOW-GROWTH REPORT.—At any time, CBO
 10 shall notify the Congress if—

11 “(1) during the period consisting of the quarter
 12 during which such notification is given, the quarter
 13 preceding such notification, and the 4 quarters fol-
 14 lowing such notification, CBO or OMB has deter-
 15 mined that real economic growth is projected or esti-
 16 mated to be less than zero with respect to each of
 17 any 2 consecutive quarters within such period; or

18 “(2) the most recent of the Department of
 19 Commerce’s advance preliminary or final reports of
 20 actual real economic growth indicate that the rate of
 21 real economic growth for each of the most recently
 22 reported quarter and the immediately preceding
 23 quarter is less than one percent.

24 “(i) ECONOMIC AND TECHNICAL ASSUMPTIONS.—In
 25 all reports required by this section, OMB shall use the

1 same economic and technical assumptions as used in the
 2 most recent budget submitted by the President under sec-
 3 tion 1105(a) of title 31, United States Code.”.

4 **SEC. 242. SPENDING AND DEFICIT LIMITS ENFORCEMENT.**

5 (a) CONFORMING AMENDMENTS TO SECTION 312.—
 6 Section 312 of the Congressional Budget Act of 1974 is
 7 amended—

8 (1) by striking subsection (a) and inserting the
 9 following:

10 “(a) BUDGET COMMITTEE DETERMINATIONS.—For
 11 purposes of this title, the levels of new budget authority,
 12 outlays, direct spending, deficits, revenues, and debt, or
 13 the increases or decreases of such levels for purpose of
 14 section 303, shall be determined on the basis of estimates
 15 made by the Committee on the Budget of the House of
 16 Representatives or the Senate, as applicable.”.

17 (2) by striking subsections (b) and (c) and re-
 18 designating subsections (d), (e), and (f) as (h), (i),
 19 and (j).

20 (b) ENFORCEMENT AMENDMENTS TO SECTION
 21 312.—Section 312 of the Congressional Budget Act of
 22 1974 is further amended by adding at the end the fol-
 23 lowing new subsections after subsection (a):

24 “(b) DISCRETIONARY SPENDING LIMIT POINT OF
 25 ORDER.—It shall not be in order in the House of Rep-

1 representatives or the Senate to consider any bill, joint resolu-
 2 tion, amendment, concurrent resolution, or conference re-
 3 port that—

4 “(1) causes the discretionary spending limits
 5 for the budget year to be breached;

6 “(2) increases the discretionary spending limits
 7 for the budget year or any ensuing fiscal year; or

8 “(3) includes any provision that has the effect
 9 of modifying the application of section 251 of the
 10 Balanced Budget and Emergency Deficit Control
 11 Act of 1985.

12 “(c) TOTAL SPENDING LIMIT POINT OF ORDER.—
 13 It shall not be in order in the House of Representatives
 14 or the Senate to consider any bill, joint resolution, concur-
 15 rent resolution, amendment, or conference report that—

16 “(1) causes the total spending limits for the
 17 budget year, as a percentage of gross domestic prod-
 18 uct, to be breached; or

19 “(2) increases outlays above the total spending
 20 limits, as a percentage of gross domestic product, for
 21 the budget year or any ensuing fiscal year after the
 22 budget year.

23 “(d) DEFICIT LIMIT POINT OF ORDER.—It shall not
 24 be in order in the House of Representatives or the Senate

1 to consider any bill, joint resolution, amendment, concur-
2 rent resolution, or conference report that—

3 “(1) causes the Deficit Limits for the budget
4 year, as a percentage of gross domestic product, to
5 be breached; or

6 “(2) increases the amount of deficit, as a per-
7 centage of gross domestic product, for the budget
8 year or any ensuing fiscal year.

9 “(e) SEQUESTRATION APPLICATION.—It shall not be
10 in order in the House of Representatives or the Senate
11 to consider any bill, joint resolution, amendment, concur-
12 rent resolution, or conference report that—

13 “(1) includes any provision that has the effect
14 of modifying the application of section 256 of the
15 Balanced Budget and Emergency Deficit Control
16 Act of 1985 to any program subject to sequestration
17 or exempt from sequestration; and

18 “(2) includes any provision that has the effect
19 of modifying the application of section 251, 252A, or
20 253 to any program subject to sequestration or ex-
21 empt from sequestration.

22 “(f) WAIVER OR SUSPENSION.—The provisions of
23 this section may be waived or suspended:

1 “(1) IN THE SENATE.—In the Senate only by
2 the affirmative vote of three-fifths of the Members,
3 duly chosen and sworn.

4 “(2) IN THE HOUSE OF REPRESENTATIVES.—In
5 the House of Representatives:

6 “(A) Only by a rule or order proposing
7 only to waive such provisions by an affirmative
8 vote of two-thirds of the Members, duly chosen
9 and sworn.

10 “(B) It shall not be in order to consider a
11 rule or order that waives the application of sub-
12 paragraph (A).

13 “(C) It shall not be in order for the Speak-
14 er to entertain a motion to suspend the applica-
15 tion of this section under clause 1 of rule XV
16 of the Rules of the House of Representatives.”.

17 **SEC. 243. SPENDING REDUCTION ORDERS.**

18 (a) IN GENERAL.—Section 256 of the Balanced
19 Budget and Emergency Deficit Control Act of 1985 is
20 amended to read as follows:

21 **“SEC. 256. SPENDING REDUCTION ORDER.**

22 “(a) APPLICATION.—A spending reduction order
23 issued pursuant to this part shall apply to eliminate
24 breaches of the limits set forth in sections 251 (discre-

1 tionary spending limits), 252A (total spending limits), and
 2 253 (Deficit limits).

3 “(b) WAIVER OR SUSPENSION.—(1) In the Senate,
 4 the provisions of this section may be waived or suspended
 5 in the Senate only by the affirmative vote of two-thirds
 6 of the Members, duly chosen and sworn.

7 “(2) In the House—

8 “(A) The provisions of this section may be
 9 waived or suspended in the House of Representatives
 10 only by a rule or order proposing only to waive such
 11 provisions by an affirmative vote of two-thirds of the
 12 Members, duly chosen and sworn.

13 “(B) It shall not be in order to consider a rule
 14 or order that waives the application of paragraph
 15 (1).

16 “(C) It shall not be in order for the Speaker to
 17 entertain a motion to suspend the application of this
 18 section under clause 1 of rule XV of the Rules of the
 19 House of Representatives.

20 “(c) GENERAL RULES.—

21 “(1) CALCULATION OF SPENDING REDUCTION
 22 PERCENTAGE.—OMB shall include in its final
 23 spending sequestration report a requirement that
 24 each nonexempt spending account shall be reduced
 25 by an amount of budget authority calculated by mul-

1 tiplying the baseline level of budgetary resources in
2 that account at that time by the uniform percentage
3 necessary to reduce outlays sufficient to eliminate an
4 excess spending amount.

5 “(2) EXEMPTIONS.—The following shall be ex-
6 empt from reduction under any order issued under
7 this part:

8 “(A) Payments for net interest.

9 “(B) Benefits payable under the old-age,
10 survivors, and disability insurance program es-
11 tablished under title II of the Social Security
12 Act if—

13 “(i) OASDI Trust Funds are actuari-
14 ally solvent in the 75-year period utilized
15 in the most recent annual report of the
16 Board of Trustees provided pursuant to
17 section 201(C)(2) of the Social Security
18 Act; and

19 “(ii) OASDI Trust Funds have not
20 run a cash deficit in the fiscal year prior
21 to the transmittal of the most recent Se-
22 questration Preview Report.

23 “(C) Benefits provided to veterans defined
24 as direct spending payable by the Department
25 of Veterans affairs.

1 “(D) Obligated balances of budget author-
2 ity carried over from prior fiscal years.

3 “(E) Any obligations of the Federal Gov-
4 ernment required to be paid under the United
5 States Constitution or legally contractual obli-
6 gations.

7 “(F) Provisions of spending legislation des-
8 ignated by the President, and so designated in
9 statute, as an emergency, except an amount of
10 budget authority and the outlays flowing there-
11 from so designated that is above the emergency
12 reserve fund as calculated in section 317(b) of
13 the Congressional Budget Act of 1974 shall not
14 be exempt.

15 “(G) Any program whose growth in the
16 budget year is equal to or less than the con-
17 sumer price index.

18 “(H) Intergovernmental transfers.

19 “(3) ONE-PERCENT REDUCTION LIMITATION.—
20 No program shall be subject to a spending reduction
21 of more than one percent of its budgetary resources.

22 “(4) CALCULATION OF SPENDING REDUC-
23 TION.—The percentage required to produce a spend-
24 ing reduction, as ordered by a spending reduction
25 order, shall be calculated by OMB by adding all

1 budgetary resources of the Government, and reduc-
2 ing that amount by an amount sufficient to reduce
3 the total amount of outlays of the Government to
4 equal, or lower, a level of outlays than the amount
5 set forth in the guideline period.

6 “(5) APPLICATION.—Once issued, a spending
7 reduction shall be applied to nonexempt programs as
8 follows:

9 “(A) Budgetary resources subject to a
10 spending reduction to any discretionary account
11 shall be permanently canceled.

12 “(B) The same percentage spending reduc-
13 tion shall apply to all programs, projects, and
14 activities within a budget account (with pro-
15 grams, projects, and activities as delineated in
16 the appropriation Act or accompanying report
17 for the relevant fiscal year covering that ac-
18 count, or for accounts not included in appro-
19 priation Acts, as delineated in the most recently
20 submitted President’s budget).

21 “(C) Administrative regulations imple-
22 menting a spending reduction shall be made
23 within 120 days of the issue of a spending re-
24 duction order.

1 “(6) OASDI SPECIAL PROCEDURES.—If the
2 OASDI Trust Funds are subject to sequestration,
3 then payments from such Trust Funds shall be
4 treated the same as other programs, except—

5 “(A) reductions from such Trust Funds
6 shall not exceed one percent of the 75-year un-
7 funded liability set forth in the most current
8 Social Security Trustees Report;

9 “(B) reduction in individual benefits shall
10 be implemented by increasing the Normal Re-
11 tirement Age (NRA) by an amount certified by
12 the Social Security Office of the Chief Actuary;

13 “(C) the increase in the NRA shall not be
14 applied to any beneficiary born in a year 55
15 years or before—

16 “(i) the year of the enactment of the
17 Spending, Deficit, and Debt Control Act of
18 2009; or

19 “(ii) the year in which the final
20 spending sequestration report is issued;
21 and

22 “(D) no change in the NRA shall be made
23 before it is fully phased-in under the Social Se-
24 curity Act as in effect before the date of enact-

1 ment of the Spending, Deficit, and Debt Con-
2 trol Act of 2009.

3 “(d) DISCRETIONARY SPENDING SEQUESTRATION.—

4 “(1) ELIMINATING A BREACH.—Each non-
5 exempt account shall be reduced by an amount of
6 budget authority calculated by multiplying the base-
7 line level of budgetary resources subject to seques-
8 tration in that account at that time by the uniform
9 percentage necessary to eliminate a breach by—

10 “(A) first, calculating the uniform percent-
11 age necessary to eliminate a breach in new
12 budget authority, if any, and

13 “(B) second, if any breach in outlays re-
14 mains, increasing the uniform percentage to a
15 level sufficient to eliminate that breach.

16 “(2) EMERGENCY SPENDING ABOVE THE RE-
17 SERVE FUND.—An amount of budget authority and
18 the outlays flowing therefrom designated in statute
19 as an emergency that is above level in the emergency
20 reserve fund as calculated in Section 317(b) of the
21 Congressional Budget Act of 1974 shall count to-
22 ward the discretionary spending limits.

23 “(3) PART-YEAR APPROPRIATIONS.—If, on the
24 date specified in paragraph (1), there is in effect an
25 Act making or continuing appropriations for part of

1 a fiscal year for any budget account, then the dollar
2 sequestration calculated for that account under
3 paragraph (2) shall be subtracted from—(A) the
4 annualized amount otherwise available by law in that
5 account under that or a subsequent part-year appro-
6 priation; and (B) when a full-year appropriation for
7 that account is enacted, from the amount otherwise
8 provided by the full year appropriation.

9 “(4) LOOK-BACK.—If, after June 30, an appro-
10 priation for the fiscal year in progress is enacted
11 that causes a breach for that year, the discretionary
12 spending limits for the next fiscal year shall be re-
13 duced by the amount of the breach.

14 “(5) WITHIN-SESSION SEQUESTRATION.—If an
15 appropriation for a fiscal year in progress is enacted
16 (after Congress adjourns to end the session for that
17 budget year and before July 1 of that fiscal year)
18 that causes a breach for that year (after taking into
19 account any prior sequestration of amounts), 15
20 days later there shall be a sequestration to eliminate
21 that breach following the procedures set forth in
22 paragraphs (2) through (3).

23 “(6) ESTIMATES.—

24 “(A) CBO ESTIMATES.—As soon as prac-
25 ticable after Congress completes action on any

1 discretionary appropriation, CBO, after con-
2 sultation with the Committees on the Budget of
3 the House of Representatives and the Senate,
4 shall provide OMB with an estimate of the
5 amount of discretionary new budget authority
6 and outlays for the current year (if any) and
7 the budget year provided by that legislation.

8 “(B) OMB ESTIMATES.—Not later than
9 seven calendar days (excluding Saturdays, Sun-
10 days, and legal holidays) after the date of en-
11 actment of any discretionary appropriation,
12 OMB shall transmit a report to the House of
13 Representatives and to the Senate containing
14 the CBO estimate of that legislation, an OMB
15 estimate of the amount of discretionary new
16 budget authority and outlays for the current
17 year (if any) and the budget year provided by
18 that legislation, and an explanation of any dif-
19 ference between the two estimates.

20 “(C) EXPLANATION OF DIFFERENCES BE-
21 TWEEN OMB AND OMB ESTIMATES.—If OMB
22 determines that there is a significant difference
23 between OMB and CBO reports prepared pur-
24 suant to subparagraph (A) and (B), OMB shall
25 consult with the Committees on the Budget of

1 the House of Representatives and the Senate
2 regarding that difference and that consultation
3 shall include, to extent practicable, written com-
4 munication to those committees that affords
5 such committees the opportunity to comment
6 before the issuance of the report.

7 “(D) ASSUMPTIONS AND GUIDELINES.—
8 OMB estimates under this paragraph shall be
9 made using current economic and technical as-
10 sumptions. OMB shall use the OMB estimates
11 transmitted to the Congress under this para-
12 graph. OMB and CBO shall prepare estimates
13 under this paragraph in conformance with
14 scorekeeping guidelines determined after con-
15 sultation among the House of Representatives
16 and Senate Committees on the Budget, CBO,
17 and OMB.

18 “(E) ANNUAL APPROPRIATIONS.—For pur-
19 poses of this paragraph, amounts provided by
20 annual appropriations shall include any new
21 budget authority and outlays for the current
22 year (if any) and the budget year in accounts
23 for which funding is provided in that legislation
24 that result from previously enacted legislation.

1 “(7) DISCRETIONARY SEQUESTRATION LIMITA-
 2 TION.—If appropriations for a fiscal year do not re-
 3 quire a sequester pursuant to the discretionary
 4 spending limits set forth in this Act, discretionary
 5 accounts shall not be subject to sequestration under
 6 section 252A or 253.”.

7 (b) LOW-GROWTH AMENDMENT.—Amend section
 8 258(b) of the Balanced Budget and Emergency Deficit
 9 Control Act of 1985 to read as follows:

10 “(b) SUSPENSION OF SEQUESTRATION PROCE-
 11 DURES.—Upon the enactment of a declaration of war or
 12 a joint resolution described in subsection (a)—

13 “(1) the subsequent issuance of any sequestra-
 14 tion report to enforce the spending limits in section
 15 252A or the Deficit Limits in section 253 order is
 16 precluded;

17 “(2) sections 302(f), 310(d), 311(a), of the
 18 Congressional Budget Act of 1974 are suspended;
 19 and

20 “(3) section 1103 of title 31, United States
 21 Code, is suspended.”.

22 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) REPEALS.—Section 255 of the Balanced Budget and
 24 Emergency Deficit Control Act of 1985 is repealed.

1 (2) CONFORMING AMENDMENT.—The item relating
 2 to section 256 in the table of contents set forth in section
 3 250(a) of the Balanced Budget and Emergency Deficit
 4 Control Act of 1985 is amended to read as follows:

“Sec. 256. Spending reduction order.”.

5 **Subtitle D—Prevention of** 6 **Government Shutdown**

7 **SEC. 251. AMENDMENT TO TITLE 31.**

8 (a) IN GENERAL.—Chapter 13 of title 31, United
 9 States Code, is amended by inserting after section 1310
 10 the following new section:

11 **“§ 1311. Continuing appropriations**

12 “(a)(1) If any regular appropriation bill for a fiscal
 13 year (or, if applicable, for each fiscal year in a biennium)
 14 does not become law before the beginning of such fiscal
 15 year or a joint resolution making continuing appropria-
 16 tions is not in effect, there are appropriated, out of any
 17 money in the Treasury not otherwise appropriated, and
 18 out of applicable corporate or other revenues, receipts, and
 19 funds, excluding any budget authority designated as an
 20 emergency or temporary funding for projects or activities
 21 that are not part of ongoing operations, to such sums as
 22 may be necessary to continue any project or activity for
 23 which funds were provided in the preceding fiscal year—

24 “(A) in the corresponding regular appropriation
 25 Act for such preceding fiscal year; or

1 “(B) if the corresponding regular appropriation
2 bill for such preceding fiscal year did not become
3 law, then in a joint resolution making continuing ap-
4 propriations for such preceding fiscal year.

5 “(2) Appropriations and funds made available, and
6 authority granted, for a project or activity for any fiscal
7 year pursuant to this section shall be at a rate of oper-
8 ations not in excess of the lower of—

9 “(A) the rate of operations provided for in the
10 regular appropriation Act providing for such project
11 or activity for the preceding fiscal year;

12 “(B) in the absence of such an Act, the rate of
13 operations provided for such project or activity pur-
14 suant to a joint resolution making continuing appro-
15 priations for such preceding fiscal year;

16 “(C) the rate of operations provided for in the
17 regular appropriation bill as passed by the House of
18 Representatives or the Senate for the fiscal year in
19 question, except that the lower of these two versions
20 shall be ignored for any project or activity for which
21 there is a budget request if no funding is provided
22 for that project or activity in either version; or

23 “(D) the annualized rate of operations provided
24 for in the most recently enacted joint resolution
25 making continuing appropriations for part of that

1 fiscal year or any funding levels established under
2 the provisions of this Act.

3 “(3) Appropriations and funds made available, and
4 authority granted, for any fiscal year pursuant to this sec-
5 tion for a project or activity shall be available for the pe-
6 riod beginning with the first day of a lapse in appropria-
7 tions and ending with the earlier of—

8 “(A) the date on which the applicable regular
9 appropriation bill for such fiscal year becomes law
10 (whether or not such law provides for such project
11 or activity) or a continuing resolution making appro-
12 priations becomes law, as the case may be; or

13 “(B) the last day of such fiscal year.

14 “(b) An appropriation or funds made available, or au-
15 thority granted, for a project or activity for any fiscal year
16 pursuant to this section shall be subject to the terms and
17 conditions imposed with respect to the appropriation made
18 or funds made available for the preceding fiscal year, or
19 authority granted for such project or activity under cur-
20 rent law.

21 “(c) Appropriations and funds made available, and
22 authority granted, for any project or activity for any fiscal
23 year pursuant to this section shall cover all obligations or
24 expenditures incurred for such project or activity during

1 the portion of such fiscal year for which this section ap-
2 plies to such project or activity.

3 “(d) Expenditures made for a project or activity for
4 any fiscal year pursuant to this section shall be charged
5 to the applicable appropriation, fund, or authorization
6 whenever a regular appropriation bill or a joint resolution
7 making continuing appropriations until the end of a fiscal
8 year providing for such project or activity for such period
9 becomes law.

10 “(e) This section shall not apply to a project or activ-
11 ity during a fiscal year if any other provision of law (other
12 than an authorization of appropriations)—

13 “(1) makes an appropriation, makes funds
14 available, or grants authority for such project or ac-
15 tivity to continue for such period; or

16 “(2) specifically provides that no appropriation
17 shall be made, no funds shall be made available, or
18 no authority shall be granted for such project or ac-
19 tivity to continue for such period.

20 “(f) For purposes of this section, the term ‘regular
21 appropriation bill’ means any annual appropriation bill
22 making appropriations, otherwise making funds available,
23 or granting authority, for any of the following categories
24 of projects and activities:

1 “(1) Agriculture, rural development, Food and
2 Drug Administration, and related agencies pro-
3 grams.

4 “(2) The Department of Defense.

5 “(3) Energy and water development, and re-
6 lated agencies.

7 “(4) State, foreign operations, and related pro-
8 grams.

9 “(5) The Department of Homeland Security.

10 “(6) The Department of the Interior, Environ-
11 mental Protection Agency, and related agencies.

12 “(7) The Departments of Labor, Health and
13 Human Services, and Education, and related agen-
14 cies.

15 “(8) Military construction, veterans affairs, and
16 related agencies.

17 “(9) Science, the Departments of State, Jus-
18 tice, and Commerce, and related agencies.

19 “(10) The Departments of Transportation,
20 Housing and Urban Development, and related agen-
21 cies.

22 “(11) The Legislative Branch.

23 “(12) Financial services and general govern-
24 ment.”.

1 (b) CLERICAL AMENDMENT.—The analysis of chap-
 2 ter 13 of title 31, United States Code, is amended by in-
 3 serting after the item relating to section 1310 the fol-
 4 lowing new item:

“1311. Continuing appropriations.”.

5 (c) EFFECTIVE DATE.—The amendment made by
 6 this section shall apply to fiscal year 2011.

7 **Subtitle E—Joint Budget** 8 **Resolution**

9 **SEC. 271. PURPOSES.**

10 Paragraphs (1) and (2) of section 2 of the Congres-
 11 sional Budget and Impoundment Control Act of 1974 are
 12 amended to read as follows:

13 “(1) to assure effective control over the budg-
 14 etary process; and

15 “(2) to facilitate the determination each year of
 16 the appropriate level of Federal revenues and ex-
 17 penditures by the Congress and the President;”.

18 **SEC. 272. TIMETABLE.**

19 Section 300 of the Congressional Budget Act of 1974
 20 is amended to read as follows:

21 “TIMETABLE

22 “SEC. 300. The timetable with respect to the Con-
 23 gressional budget process for any fiscal year is as follows:

“First Session

On or before:

Action to be completed:

“First Session—Continued

First Monday in February	President submits his budget.
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after President submits budget.	Committees submit views and estimates to Budget Committees.
April 1	Budget Committees report joint resolution on the budget.
April 15	Congress completes action on joint resolution on the budget.
June 10	House Appropriations Committee reports last annual appropriation bill.
June 15	Congress completes action on reconciliation legislation.
June 30	House completes action on annual appropriation bills.
October 1	Fiscal year begins.”.

1 **SEC. 273. JOINT RESOLUTION ON THE BUDGET.**

2 (a) CONTENT OF JOINT RESOLUTIONS ON THE
3 BUDGET.—Section 301(a)(4) of the Congressional Budget
4 Act of 1974 is amended to read as follows:

5 “(4) subtotals of new budget authority and out-
6 lays for nondefense discretionary spending, defense
7 discretionary spending, Medicare, Medicaid, other di-
8 rect spending (excluding interest), and interest; and
9 for emergencies (for the reserve fund in section
10 317(b) and for military operations in section
11 317(C));”.

12 (b) ADDITIONAL MATTERS IN JOINT RESOLUTION.—
13 Section 301(b) of the Congressional Budget Act of 1974
14 is amended as follows:

15 (1) Strike paragraphs (1), and (6) through (9).

16 (2) Redesignate paragraphs (2), (3), (4), and

17 (5) accordingly.

1 (3) Amend paragraph (3), as redesignated, to
2 read as follows:

3 “(3) set forth such other matters, and require
4 such other procedures, relating to the budget as may
5 be appropriate to carry out the purposes of the Act,
6 but shall not include a suspension or alteration of
7 the application of the motion to strike a provision as
8 set forth in section 310(d)(2) or (h)(2)(F).”.

9 (c) REQUIRED CONTENTS OF REPORT.—Section
10 301(e)(2) of the Congressional Budget Act of 1974 is
11 amended as follows:

12 (1) Redesignate subparagraphs (A), (B), (C),
13 (D), (E), and (F) as subparagraphs (B), (C), (E),
14 (F), (H), and (I), respectively.

15 (2) Before subparagraph (B) (as redesignated),
16 insert the following new subparagraph:

17 “(A) new budget authority and outlays for
18 each major functional category, based on alloca-
19 tions of the total levels set forth pursuant to
20 subsection (a)(1);”.

21 (3) In subparagraph (C) (as redesignated),
22 strike “mandatory” and insert “direct spending”.

23 (4) After subparagraph (C) (as redesignated),
24 insert the following new subparagraph:

1 “(D) a measure, as a percentage of gross
 2 domestic product, of total outlays, total Federal
 3 revenues, the surplus or deficit, and new out-
 4 lays for nondefense discretionary spending, de-
 5 fense spending, Medicare, Medicaid and other
 6 direct spending as set forth in such resolu-
 7 tion;”.

8 (5) After subparagraph (F) (as redesignated),
 9 insert the following new subparagraph:

10 “(G) if the joint resolution on the budget
 11 includes any allocation to a committee other
 12 than the Committee on Appropriations of levels
 13 in excess of current law levels, a justification
 14 for not subjecting any program, project, or ac-
 15 tivity (for which the allocation is made) to an-
 16 nual discretionary appropriations;”.

17 (d) ADDITIONAL CONTENTS OF REPORT.—Section
 18 301(e)(3) of the Congressional Budget Act of 1974 is
 19 amended as follows:

20 (1) Redesignate subparagraphs (A) and (B) as
 21 subparagraphs (B) and (C), respectively, strike sub-
 22 paragraphs (C) and (D), and redesignate subpara-
 23 graph (E) as subparagraph (D) and strike the pe-
 24 riod and insert “; and”.

1 (2) Before subparagraph (B), insert the fol-
2 lowing new subparagraph:

3 “(A) new budget authority and outlays for
4 each major functional category, based on alloca-
5 tions of the total levels set forth pursuant to
6 subsection (a)(1);”.

7 (3) At the end, add the following new subpara-
8 graph:

9 “(E) set forth, if required by subsection
10 (f), the calendar year in which, in the opinion
11 of the Congress, the goals for reducing unem-
12 ployment set forth in section 4(b) of the Em-
13 ployment Act of 1946 should be achieved.”.

14 (e) BUDGET PRESENTATION.—After section
15 301(e)(3) add the following new paragraph:

16 “(4) BUDGET FORMAT.—In addition to the con-
17 tents that may be included in the report pursuant to
18 paragraph (3), a presentation of the functional cat-
19 egories may also be included as follows:

20 “(A) PRINCIPAL FEDERAL OBLIGATIONS.—
21 Activities intrinsic to the Federal Government
22 (including both discretionary and mandatory
23 spending) as follows:

24 “(i) National defense;

25 “(ii) International affairs;

1 “(iii) Veterans benefits and services;

2 and

3 “(iv) Administration of justice.

4 “(B) FEDERALLY SUPPORTED DOMESTIC
5 PRIORITIES.—The total domestic discretionary
6 spending levels as follows:

7 “(i) Total domestic discretionary
8 spending.

9 “(ii) Optional inclusion of additional
10 specific recommended levels.

11 “(C) MAJOR DOMESTIC ENTITLEMENTS.—
12 Major domestic direct spending programs as
13 follows:

14 “(i) Medicare.

15 “(ii) Medicaid.

16 “(iii) Other direct spending.

17 “(iv) Optional inclusion of additional
18 specific recommended levels.

19 “(D) GENERAL GOVERNMENT AND FINAN-
20 CIAL MANAGEMENT.—Funding for financing
21 government operations as follows:

22 “(i) General government.

23 “(ii) Net interest.

24 “(iii) Allowances.

25 “(iv) Offsetting receipts.”.

1 (f) PRESIDENT’S BUDGET SUBMISSION TO CON-
2 GRESS.—(1) The first two sentences of section 1105(a)
3 of title 31, United States Code, are amended to read as
4 follows: “On or after the first Monday in January but not
5 later than the first Monday in February of each year the
6 President shall submit a budget of the United States Gov-
7 ernment for the following fiscal year which shall set forth
8 the following levels:

9 “(A) Totals of new budget authority and out-
10 lays.

11 “(B) Total Federal revenues and the amount, if
12 any, by which the aggregate level of Federal reve-
13 nues should be increased or decreased by bills and
14 resolutions to be reported by the appropriate com-
15 mittees.

16 “(C) The surplus or deficit in the budget.

17 “(D) Subtotals of new budget authority and
18 outlays for nondefense discretionary spending, de-
19 fense discretionary spending, direct spending (ex-
20 cluding interest), and interest, and for emergencies
21 (for the reserve fund in section 317(b) and for mili-
22 tary operations in section 317(c).

23 “(E) The public debt.

24 Each budget submission shall include a budget message
25 and summary and supporting information and, as a sepa-

1 rately delineated statement, the levels requires in the pre-
2 ceding sentence for at least each of the 4 ensuing fiscal
3 years.”.

4 (2) The third sentence of section 1105(a) of title 31,
5 United States Code, is amended by inserting “submission”
6 after “budget”.

7 (g) LIMITATION ON THE CONTENT OF BUDGET RES-
8 OLUTIONS.—Section 305 of the Congressional Budget Act
9 of 1974 is amended by adding at the end the following
10 new subsection:

11 “(e) LIMITATION ON CONTENTS.—(1) It shall not be
12 in order in the House of Representatives or in the Senate
13 to consider any joint resolution on the budget or any
14 amendment thereto or conference report thereon that con-
15 tains any matter referred to in paragraph (2).

16 “(2) Any joint resolution on the budget or any
17 amendment thereto or conference report thereon that con-
18 tains any matter not permitted in section 301(a) or (b)
19 shall not be treated in the House of Representatives or
20 the Senate as a budget resolution under subsection (a) or
21 (b) or as a conference report on a budget resolution under
22 subsection (c) of this section.”.

1 **SEC. 274. BUDGET REQUIRED BEFORE SPENDING BILLS**
2 **MAY BE CONSIDERED.**

3 (a) AMENDMENTS TO SECTION 302.—Section 302 of
4 the Congressional Budget Act of 1974 is amended—

5 (1) in subsection (a), by striking paragraph (5);

6 and

7 (2) in subsection (f)(1)(A), by striking “as re-
8 ported”.

9 (b) AMENDMENTS TO SECTION 303 AND CON-
10 FORMING AMENDMENTS.—Section 303 of the Congres-
11 sional Budget Act of 1974 is amended—

12 (1) by striking “(a) IN GENERAL.—”, by strik-
13 ing “has been agreed to” and inserting “takes effect
14 in subsection (a)”, and by striking subsections (b)
15 and (c); and

16 (2) by striking its section heading and inserting
17 the following new section heading: “CONSIDERATION
18 OF BUDGET-RELATED LEGISLATION BEFORE BUDG-
19 ET BECOMES LAW”.

20 (c) EXPEDITED PROCEDURES UPON VETO OF JOINT
21 RESOLUTION ON THE BUDGET.—(1) Title III of the Con-
22 gressional Budget Act of 1974 is amended by adding after
23 section 315 the following new section:

1 “EXPEDITED PROCEDURES UPON VETO OF JOINT
2 RESOLUTION ON THE BUDGET

3 “SEC. 316. (a) SPECIAL RULE.—If the President ve-
4 toes a joint resolution on the budget for a fiscal year, the
5 majority leader of the House of Representatives or Senate
6 (or his designee) shall introduce a concurrent resolution
7 on the budget or joint resolution on the budget for such
8 fiscal year. If the Committee on the Budget of either
9 House fails to report such concurrent or joint resolution
10 referred to it within five calendar days (excluding Satur-
11 days, Sundays, or legal holidays except when that House
12 of Congress is in session) after the date of such referral,
13 the committee shall be automatically discharged from fur-
14 ther consideration of such resolution and such resolution
15 shall be placed on the appropriate calendar.

16 “(b) PROCEDURE IN THE HOUSE OF REPRESENTA-
17 TIVES AND THE SENATE.—

18 “(1) Except as provided in paragraph (2), the
19 provisions of section 305 for the consideration in the
20 House of Representatives and in the Senate of joint
21 resolutions on the budget and conference reports
22 thereon shall also apply to the consideration of con-
23 current resolutions on the budget introduced under
24 subsection (a) and conference reports thereon.

1 “(2) Debate in the Senate on any concurrent
2 resolution on the budget or joint resolution on the
3 budget introduced under subsection (a), and all
4 amendments thereto and debatable motions and ap-
5 peals in connection therewith, shall be limited to not
6 more than 10 hours and in the House of Represent-
7 atives such debate shall be limited to not more than
8 3 hours.

9 “(c) CONTENTS OF CONCURRENT RESOLUTIONS.—
10 Any concurrent resolution on the budget introduced under
11 subsection (a) shall be in compliance with section 301.

12 “(d) EFFECT OF CONCURRENT RESOLUTION ON THE
13 BUDGET.—Notwithstanding any other provision of this
14 title, whenever a concurrent resolution on the budget de-
15 scribed in subsection (a) is agreed to, then the aggregates,
16 allocations, and reconciliation directives (if any) contained
17 in the report accompanying such concurrent resolution or
18 in such concurrent resolution shall be considered to be the
19 aggregates, allocations, and reconciliation directives for all
20 purposes of sections 302, 303, and 311 for the applicable
21 fiscal years and such concurrent resolution shall be
22 deemed to be a joint resolution for all purposes of this
23 title and the Rules of the House of Representatives and
24 any reference to the date of enactment of a joint resolution
25 on the budget shall be deemed to be a reference to the

1 date agreed to when applied to such concurrent resolu-
 2 tion.”.

3 (2) The table of contents set forth in section 1(b) of
 4 the Congressional Budget and Impoundment Control Act
 5 of 1974 is amended by inserting after the item relating
 6 to section 315 the following new item:

“Sec. 316. Discretionary Deficit Reduction Account.”.

7 **SEC. 275. AMENDMENTS TO JOINT RESOLUTIONS ON THE**
 8 **BUDGET.**

9 (a) DEFINITION.—Paragraph (4) of section 3 of the
 10 Congressional Budget Act of 1974 is amended to read as
 11 follows:

12 “(4) the term ‘joint resolution on the budget’
 13 means—

14 “(A) a joint resolution setting forth the
 15 budget for the United States Government for a
 16 fiscal year as provided in section 301; and

17 “(B) any other joint resolution revising the
 18 budget for the United States Government for a
 19 fiscal year as described in section 304.”.

20 (b) ADDITIONAL AMENDMENTS TO THE CONGRES-
 21 SIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF
 22 1974.—(1)(A) Sections 301, 302, 303, 305, 308, 310,
 23 311, 312, 314, 405, and 904 of the Congressional Budget
 24 Act of 1974 (2 U.S.C. 621 et seq.) are amended by strik-

1 ing “concurrent” each place it appears and inserting
2 “joint”.

3 (B) Section 301 of the Congressional Budget Act of
4 1974 is further amended by striking the last sentence.

5 (C)(i) Sections 302(d), 302(g), 308(a)(1)(A), and
6 310(d)(1) of the Congressional Budget Act of 1974 are
7 amended by striking “most recently agreed to concurrent
8 resolution on the budget” each place it occurs and insert-
9 ing “most recently enacted joint resolution on the budget
10 or agreed to concurrent resolution on the budget (as appli-
11 cable)”.

12 (ii) The section heading of section 301 is amended
13 by striking “ANNUAL ADOPTION OF CONCURRENT RESO-
14 LUTION” and inserting “JOINT RESOLUTIONS”; and

15 (iii) Section 304 of such Act is amended to read as
16 follows:

17 “PERMISSIBLE REVISIONS OF BUDGET RESOLUTIONS

18 “SEC. 304. At any time after the joint resolution on
19 the budget for a fiscal year has been enacted pursuant
20 to section 301, and before the end of such fiscal year, the
21 two Houses and the President may enact a joint resolution
22 on the budget which revises or reaffirms the joint resolu-
23 tion on the budget for such fiscal year most recently en-
24 acted, and for purposes of the enforcement of the Congres-
25 sional Budget Act of 1974, the chairman of the Budget
26 Committee of the House of Representatives or the Senate,

1 as applicable, may adjust levels as needed for the enforce-
 2 ment off of the budget resolution.”.

3 (D) Sections 302, 303, 310, and 311, of such Act
 4 are amended by striking “agreed to” each place it appears
 5 and by inserting “enacted”.

6 (2)(A) Paragraph (4) of section 3 of the Congres-
 7 sional Budget and Impoundment Control Act of 1974 is
 8 amended by striking “concurrent” each place it appears
 9 and by inserting “joint”.

10 (B) The table of contents set forth in section 1(b)
 11 of such Act is amended—

12 (i) in the item relating to section 301, by strik-
 13 ing “Annual adoption of concurrent resolution” and
 14 inserting “Joint resolutions”;

15 (ii) by striking the item relating to section 303
 16 and inserting the following:

“Sec. 303. Consideration of budget-related legislation before budget becomes
 law.”.

17 (iii) by striking “concurrent” and inserting
 18 “joint” in the item relating to section 305.

19 (c) CONFORMING AMENDMENTS TO THE RULES OF
 20 THE HOUSE OF REPRESENTATIVES.—Clauses 1(d)(1),
 21 4(a)(4), 4(b)(2), 4(f)(1)(A), and 4(f)(2) of rule X, clause
 22 10 of rule XVIII, clause 10 of rule XX, and clauses 7
 23 and 10 of rule XXI of the Rules of the House of Rep-

1 representatives are amended by striking “concurrent” each
 2 place it appears and inserting “joint”.

3 (d) CONFORMING AMENDMENTS TO THE BALANCED
 4 BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF
 5 1985.—Section 258C(b)(1) of the Balanced Budget and
 6 Emergency Deficit Control Act of 1985 (2 U.S.C.
 7 907d(b)(1)) is amended by striking “concurrent” and in-
 8 serting “joint”.

9 (e) CONFORMING AMENDMENTS TO SECTION 310
 10 REGARDING RECONCILIATION DIRECTIVES.—(1) The side
 11 heading of section 310(a) of the Congressional Budget Act
 12 of 1974 (as amended by section 105(b)) is further amend-
 13 ed by inserting “JOINT EXPLANATORY STATEMENT AC-
 14 COMPANYING CONFERENCE REPORT ON” before “JOINT”.

15 (2) Section 310(a) of such Act is amended by striking
 16 “A” and inserting “The joint explanatory statement ac-
 17 companying the conference report on a”.

18 (3) The first sentence of section 310(b) of such Act
 19 is amended by striking “If” and inserting “If the joint
 20 explanatory statement accompanying the conference re-
 21 port on”.

22 (4) Section 310(c)(1) of such Act is amended by in-
 23 serting “the joint explanatory statement accompanying
 24 the conference report on” after “pursuant to”.

1 (f) CONFORMING AMENDMENTS TO SECTION 3 RE-
 2 GARDING DIRECT SPENDING.—Section 3 of the Congres-
 3 sional Budget and Impoundment Control Act of 1974 is
 4 amended by adding at the end the following new para-
 5 graph:

6 “(11) The term ‘direct spending’ has the mean-
 7 ing given to such term in section 250(c)(8) of the
 8 Balanced Budget and Emergency Deficit Control
 9 Act of 1985.”.

10 **TITLE III—FISCAL DISCIPLINE,**
 11 **earmark REFORM, AND AC-**
 12 **COUNTABILITY ACT**

13 **SEC. 301. SHORT TITLE.**

14 This title may be cited as the “Fiscal Discipline, Ear-
 15 mark Reform, and Accountability Act”.

16 **SEC. 302. REFORM OF CONSIDERATION OF APPROPRIA-**
 17 **TIONS BILLS IN THE SENATE.**

18 (a) IN GENERAL.—Rule XVI of the Standing Rules
 19 of the Senate is amended by adding at the end the fol-
 20 lowing:

21 “9. (a) On a point of order made by any Senator:

22 “(1) No new or general legislation nor any un-
 23 authorized appropriation may be included in any
 24 general appropriation bill.

1 “(2) No amendment may be received to any
2 general appropriation bill the effect of which will be
3 to add an unauthorized appropriation to the bill.

4 “(3) No unauthorized appropriation may be in-
5 cluded in any amendment between the Houses, or
6 any amendment thereto, in relation to a general ap-
7 propriation bill.

8 “(b)(1) If a point of order under subparagraph (a)(1)
9 against a Senate bill or amendment is sustained—

10 “(A) the new or general legislation or unauthor-
11 ized appropriation shall be struck from the bill or
12 amendment; and

13 “(B) any modification of total amounts appro-
14 priated necessary to reflect the deletion of the mat-
15 ter struck from the bill or amendment shall be
16 made.

17 “(2) If a point of order under subparagraph (a)(1)
18 against an Act of the House of Representatives is sus-
19 tained when the Senate is not considering an amendment
20 in the nature of a substitute, an amendment to the House
21 bill is deemed to have been adopted that—

22 “(A) strikes the new or general legislation or
23 unauthorized appropriation from the bill; and

1 “(B) modifies, if necessary, the total amounts
2 appropriated by the bill to reflect the deletion of the
3 matter struck from the bill;

4 “(c) If the point of order against an amendment
5 under subparagraph (a)(2) is sustained, the amendment
6 shall be out of order and may not be considered.

7 “(d)(1) If a point of order under subparagraph (a)(3)
8 against a Senate amendment is sustained—

9 “(A) the unauthorized appropriation shall be
10 struck from the amendment;

11 “(B) any modification of total amounts appro-
12 priated necessary to reflect the deletion of the mat-
13 ter struck from the amendment shall be made; and

14 “(C) after all other points of order under this
15 paragraph have been disposed of, the Senate shall
16 proceed to consider the amendment as so modified.

17 “(2) If a point of order under subparagraph (a)(3)
18 against a House of Representatives amendment is sus-
19 tained—

20 “(A) an amendment to the House amendment
21 is deemed to have been adopted that—

22 “(i) strikes the new or general legislation
23 or unauthorized appropriation from the House
24 amendment; and

1 “(ii) modifies, if necessary, the total
2 amounts appropriated by the bill to reflect the
3 deletion of the matter struck from the House
4 amendment; and

5 “(B) after all other points of order under this
6 paragraph have been disposed of, the Senate shall
7 proceed to consider the question of whether to con-
8 cur with further amendment.

9 “(e) The disposition of a point of order made under
10 any other paragraph of this rule, or under any other
11 Standing Rule of the Senate, that is not sustained, or is
12 waived, does not preclude, or affect, a point of order made
13 under subparagraph (a) with respect to the same matter.

14 “(f) A point of order under subparagraph (a) may
15 be waived only by a motion agreed to by the affirmative
16 vote of three-fifths of the Senators duly chosen and sworn.
17 If an appeal is taken from the ruling of the Presiding Offi-
18 cer with respect to such a point of order, the ruling of
19 the Presiding Officer shall be sustained absent an affirma-
20 tive vote of three-fifths of the Senators duly chosen and
21 sworn.

22 “(g) Notwithstanding any other rule of the Senate,
23 it shall be in order for a Senator to raise a single point
24 of order that several provisions of a general appropriation
25 bill or an amendment between the Houses on a general

1 appropriation bill violate subparagraph (a). The Presiding
2 Officer may sustain the point of order as to some or all
3 of the provisions against which the Senator raised the
4 point of order. If the Presiding Officer so sustains the
5 point of order as to some or all of the provisions against
6 which the Senator raised the point of order, then only
7 those provisions against which the Presiding Officer sus-
8 tains the point of order shall be deemed stricken pursuant
9 to this paragraph. Before the Presiding Officer rules on
10 such a point of order, any Senator may move to waive
11 such a point of order, in accordance with subparagraph
12 (f), as it applies to some or all of the provisions against
13 which the point of order was raised. Such a motion to
14 waive is amendable in accordance with the rules and prece-
15 dents of the Senate. After the Presiding Officer rules on
16 such a point of order, any Senator may appeal the ruling
17 of the Presiding Officer on such a point of order as it
18 applies to some or all of the provisions on which the Pre-
19 siding Officer ruled.

20 “(h) For purposes of this paragraph:

21 “(1) The term ‘new or general legislation’ has
22 the meaning given that term when it is used in para-
23 graph 2 of this rule.

1 “(2) The term ‘new matter’ means matter not
2 committed to conference by either House of Con-
3 gress.

4 “(3)(A) The term ‘unauthorized appropriation’
5 means a ‘congressionally directed spending item’ as
6 defined in rule XLIV—

7 “(i) that is not specifically authorized by
8 law or Treaty stipulation (unless the appropria-
9 tion has been specifically authorized by an Act
10 or resolution previously passed by the Senate
11 during the same session or proposed in pursu-
12 ance of an estimate submitted in accordance
13 with law); or

14 “(ii) the amount of which exceeds the
15 amount specifically authorized by law or Treaty
16 stipulation (or specifically authorized by an Act
17 or resolution previously passed by the Senate
18 during the same session or proposed in pursu-
19 ance of an estimate submitted in accordance
20 with law) to be appropriated.

21 “(B) An appropriation is not specifically au-
22 thorized if it is restricted or directed to, or author-
23 ized to be obligated or expended for the benefit of,
24 an identifiable person, program, project, entity, or
25 jurisdiction by earmarking or other specification,

1 whether by name or description, in a manner that is
2 so restricted, directed, or authorized that it applies
3 only to a single identifiable person, program, project,
4 entity, or jurisdiction, unless the identifiable person,
5 program, project, entity, or jurisdiction to which the
6 restriction, direction, or authorization applies is de-
7 scribed or otherwise clearly identified in a law or
8 Treaty stipulation (or an Act or resolution pre-
9 viously passed by the Senate during the same ses-
10 sion or in the estimate submitted in accordance with
11 law) that specifically provides for the restriction, di-
12 rection, or authorization of appropriation for such
13 person, program, project, entity, or jurisdiction.

14 “10. (a) On a point of order made by any Senator,
15 no new or general legislation, nor any unauthorized appro-
16 priation, new matter, or nongermane matter may be in-
17 cluded in any conference report on a general appropriation
18 bill.

19 “(b) If the point of order against a conference report
20 under subparagraph (a) is sustained—

21 “(1) the new or general legislation, unauthor-
22 ized appropriation, new matter, or nongermane mat-
23 ter in such conference report shall be deemed to
24 have been struck;

1 “(2) any modification of total amounts appro-
2 priated necessary to reflect the deletion of the mat-
3 ter struck shall be deemed to have been made;

4 “(3) when all other points of order under this
5 paragraph have been disposed of—

6 “(A) the Senate shall proceed to consider
7 the question of whether the Senate should re-
8 cede from its amendment to the House bill, or
9 its disagreement to the amendment of the
10 House, and concur with a further amendment,
11 which further amendment shall consist of only
12 that portion of the conference report not
13 deemed to have been struck (together with any
14 modification of total amounts appropriated);

15 “(B) the question shall be debatable; and

16 “(C) no further amendment shall be in
17 order; and

18 “(4) if the Senate agrees to the amendment,
19 then the bill and the Senate amendment thereto
20 shall be returned to the House for its concurrence
21 in the amendment of the Senate.

22 “(c) The disposition of a point of order made under
23 any other paragraph of this rule, or under any other
24 Standing Rule of the Senate, that is not sustained, or is

1 waived, does not preclude, or affect, a point of order made
2 under subparagraph (a) with respect to the same matter.

3 “(d) A point of order under subparagraph (a) may
4 be waived only by a motion agreed to by the affirmative
5 vote of three-fifths of the Senators duly chosen and sworn.
6 If an appeal is taken from the ruling of the Presiding Offi-
7 cer with respect to such a point of order, the ruling of
8 the Presiding Officer shall be sustained absent an affirma-
9 tive vote of three-fifths of the Senators duly chosen and
10 sworn.

11 “(e) Notwithstanding any other rule of the Senate,
12 it shall be in order for a Senator to raise a single point
13 of order that several provisions of a conference report on
14 a general appropriation bill violate subparagraph (a). The
15 Presiding Officer may sustain the point of order as to
16 some or all of the provisions against which the Senator
17 raised the point of order. If the Presiding Officer so sus-
18 tains the point of order as to some or all of the provisions
19 against which the Senator raised the point of order, then
20 only those provisions against which the Presiding Officer
21 sustains the point of order shall be deemed stricken pursu-
22 ant to this paragraph. Before the Presiding Officer rules
23 on such a point of order, any Senator may move to waive
24 such a point of order, in accordance with subparagraph
25 (d), as it applies to some or all of the provisions against

1 which the point of order was raised. Such a motion to
 2 waive is amendable in accordance with the rules and prece-
 3 dents of the Senate. After the Presiding Officer rules on
 4 such a point of order, any Senator may appeal the ruling
 5 of the Presiding Officer on such a point of order as it
 6 applies to some or all of the provisions on which the Pre-
 7 siding Officer ruled.

8 “(f) For purposes of this paragraph:

9 “(1) The terms ‘new or general legislation’,
 10 ‘new matter’, and ‘unauthorized appropriation’ have
 11 the same meaning as in paragraph 9.

12 “(2) The term ‘nongermane matter’ has the
 13 same meaning as in rule XXII and under the prece-
 14 dents attendant thereto, as of the beginning of the
 15 110th Congress.”.

16 (b) REQUIRING CONFERENCE REPORTS TO BE
 17 SEARCHABLE ONLINE.—Paragraph 3(a)(2) of rule XLIV
 18 of the Standing Rules of the Senate is amended by insert-
 19 ing “in an searchable format” after “available”.

20 **SEC. 303. LOBBYING ON BEHALF OF RECIPIENTS OF FED-**
 21 **ERAL FUNDS.**

22 The Lobbying Disclosure Act of 1995 is amended by
 23 adding after section 5 the following:

1 **“SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.**

2 “(a) IN GENERAL.—A recipient of Federal funds
3 shall file a report as required by section 5(a) containing—

4 “(1) the name of any lobbyist registered under
5 this Act to whom the recipient paid money to lobby
6 on behalf of the Federal funding received by the re-
7 cipient; and

8 “(2) the amount of money paid as described in
9 paragraph (1).

10 “(b) DEFINITION.—In this section, the term ‘recipi-
11 ent of Federal funds’ means the recipient of Federal funds
12 constituting an award, grant, or loan.”.

○